



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.11.2003
COM(2003) 669 final

**20th ANNUAL REPORT ON MONITORING THE APPLICATION OF
COMMUNITY LAW (2002)**

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ANNEXES I-VI

Each year the European Commission draws up a report on the monitoring of the application of Community law, in response to requests made by the European Parliament (resolution of 9 February 1983) and the Member States (point 2 of Declaration No 19 annexed to the Treaty signed at Maastricht on 7 February 1992). The report also responds to the requests expressed by the European Council or the Council in relation to specific sectors.

1. FOREWORD

For twenty years now,¹ in response to a resolution of the European Parliament,² the Commission has been reporting annually³ on the activities undertaken in the exercise of its function as guardian of the Treaties. This periodic information has gradually been expanded with annexes dealing with the application of Community law by the national courts and the execution of judgments given by the Court of Justice, and more detailed statistics.

The annual reports on monitoring the application of Community law pursue a twofold objective:

- to allow the European Parliament to fully exercise its political role in relation to the discretionary powers conferred on the Commission by the Treaties;
- to provide the Member States, the general public and economic operators with a stock-taking exercise of the attainment of a Community based on the rule of law.

The interest for this regular publicity is reflected both in the frequent written and oral questions in the European Parliament and in the number of times that citizens contact the Commission, particularly by making complaints. To satisfy these needs between the publication dates of two reports, the Commission has set up a website⁴ devoted to decisions on infringement proceedings and progress in notifying Community directives ("hitlist"). More specific data can also be found on the websites on the management of certain Community policies.

The structure of this 20th annual report to the European Parliament on monitoring the application of Community law, like its predecessors, describes the salient features of activity in the main areas of Commission activity in the course of the year, and the foreword offers a few thoughts on the last twenty years' activity.

Main developments

Comparing the information given in twenty annual reports on monitoring the application of Community law could be a hazardous enterprise, in view of extensive changes in the Commission's internal structure, the evolution of common policies and the implementation of specific actions. The completion of the internal market, which celebrated its tenth anniversary in 2002, the development of the policy on health and consumer protection, and public interest, particularly in social and environmental questions, are so many factors to be considered before embarking on any analysis of the raw figures set out in the annual statistical graphs and tables.

But some of the basic data can be used not only to measure the importance of the Commission's activity but also to draw conclusions as to the measures underlying the trends observed.

¹ The first report was for 1982 - COM(83) 181 final, 10.4.1984.

² Resolution of 9 February 1983.

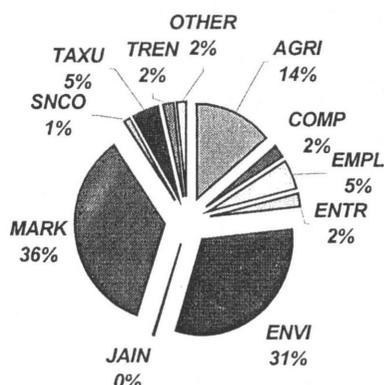
³ Annual reports are accessible on the Commission website at http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm#infringements.

⁴ http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm#transpositions

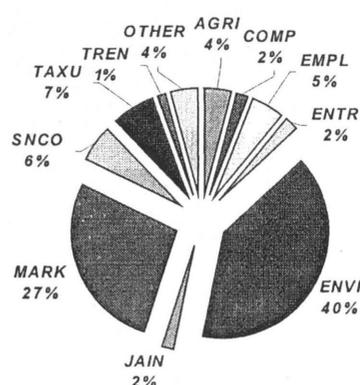
Complaints

The aggregate volume of complaints addressed to the Commission each year by citizens wishing to contribute to the integration and smooth operation of their Community by denouncing conduct which they perceive as contrary to Community law, whether or not they are directly concerned, has been growing steadily. The average number of complaints registered each year virtually doubled between 1983-89 and 1990-98; the average rose from 536 to 1 047. In 1999-2002, the average number of complaints varied around 1346. This increase alone highlights the public interest in the sound operation of Community mechanisms, but a sector-by-sector analysis then makes it possible to identify the areas most concerned as European integration proceeds.

Average distribution of complaints by sector (1990-98)



Average distribution of complaints by sector (1999-2002)



In general terms, however, the important point is that complaints are the chief source for detecting infringements. The Commission has accordingly reinforced the instruments and facilities both for registering complaints and for dealing with them more quickly. An electronic form is available on line,⁵ and the Commission has given a number of commitments regarding relations with complainants⁶ at the instigation of the European Ombudsman. When he receives a direct complaint, the Ombudsman routinely looks into the way in which the Commission investigated the alleged misconduct that is complained of.

Transposal of directives

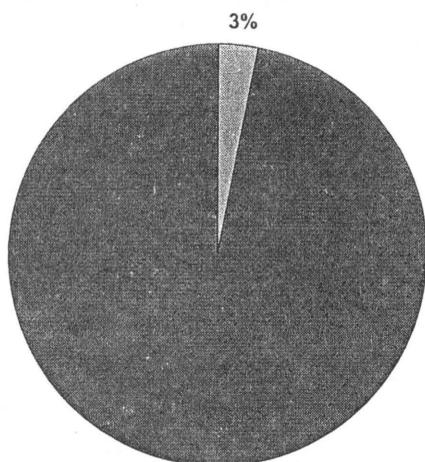
Routine checks regarding failure to notify the Commission of national measures transposing directives within the time allowed are another major source of information on infringements. For some years now the first stage of the procedure of Article 226 (formal notice to act) has been launched on a much more automatic basis and at regular intervals.

⁵ http://europa.eu.int/comm/secretariat_general/sgb/lexcomm/index_en.htm

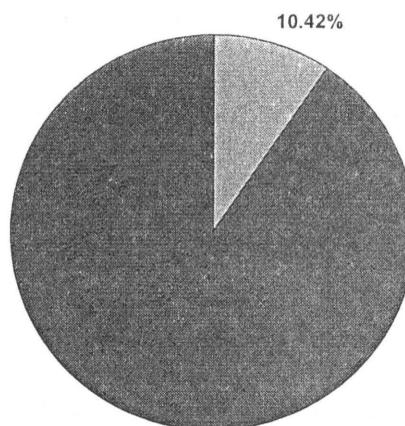
⁶ Commission Communication to the European Parliament and the European Ombudsman on relations with the complainant in respect of infringements of Community law: COM(2002) 141 final.

The caseload here depends not only on the internal discipline which the Member States impose on themselves to act within time-limits that they themselves accepted in the Council but also on the rising number of directives in force. Regular "scoreboards"⁷ or performance tables⁸ can give different results as the years go by, either for a given Member State or for an average transposal rate, depending on all these variables. They are also a powerful incentive to improve the transposal rate.

Percentage failure to notify 2002



Percentage failure to notify 1982



The graphic confirms this interdependence. At the end of 1982, 640 directives were in force with an average transposal rate of 89.58%. Twenty years later, 2240 directives were in force with an average transposal rate of 98.87%. It is true that some progress remains to be made, in particular for certain Member States, and the 98.5% target set at the Stockholm European Council suffices to demonstrate the importance attached to this aspect of Community law, but there is no escaping the fact that volume and complexity can constitute handicaps. The Commission has not been inactive in the face of this problem and has decided to provide more active support in overcoming technical transposal difficulties where national authorities ask for it.

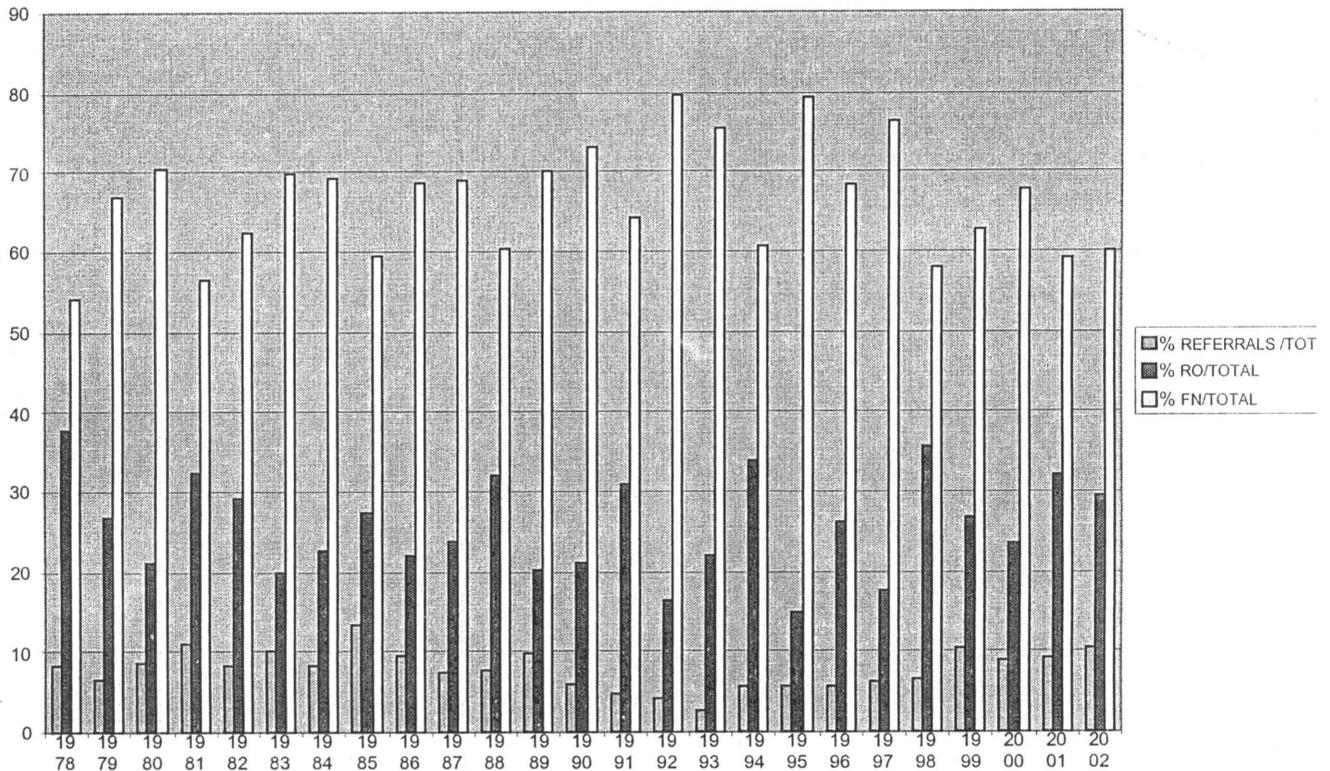
Pattern of contentious procedures

Analysis of the statistics on the various stages of the infringement procedure (formal notice to act, reasoned opinion, referral to the Court of Justice) shows that over the twenty years each of them has evolved within a bracket range. The frequency of letters of formal notice to act depends on the volume of law applicable and the Commission's diligence in monitoring its application, but the frequency of reasoned opinions and referrals to the court evolve in parallel, being slightly out of step only on account of the

⁷ Internal market scoreboard - http://europa.eu.int/comm/internal_market/en/update/score/index.htm, and environment scoreboard in The annual survey on the implementation and enforcement of Community environmental law - <http://europa.eu.int/comm/environment/law/as01.htm>.

⁸ Progress in transposing directives, see http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm#transposal on Europa.

different timings of the procedures. If the number of notices to act peaks in a given year, there will inevitably be a peak in the number of reasoned opinions the next year and in court referrals the year after that, as the chart below shows.



The Commission has taken a number of measures, not only to shorten the time elapsing between the various stages of the procedure so as to put matters right more quickly, but also to boost preventive action, in particular by means of complementary or alternative methods to obtain rapid voluntary rectification of the situation.⁹

In the context of measures to boost preventive action, the SOLVIT network¹⁰ deserves special attention, and in the longer term it might be found that developing its scope is an effective means of tackling conduct complained of by the general public through closer cooperation between national authorities and the exchange of good practice.

⁹ White Paper on Governance, Operational conclusions: SEC(2003) 1344.

¹⁰ http://europa.eu.int/comm/internal_market/solvit/index_en.htm.

Execution of judgments given by the Court of Justice

As in the 2001 report, it is interesting to see how the Member States comply with judgments given by the Court of Justice and the action taken by the Commission in such cases under Article 228. There are frequent parliamentary questions on the subject, which is evidence of concern about it. Irrespective of the statistical analysis, the British beef controversy prompted the Commission to consider the possibility of proposing that the Court of Justice should order not only a periodic penalty payment but also a fine, to give Member States an incentive to comply with judgments holding them to be in default.

MS	Subject matter	Year/Number:	Duration (date of first judgment – Article 226 of the EC Treaty)	Penalty payment (€ / day)	Date of decision	Status
B	Wild birds	1990/0291	2,5 (08/07/87)	7.750	10/12/1997	terminated
	Student finance (nationality)	1989/0457	(03/05/1994)	43.400	22/12/1999	Terminated in 2001
DE	Surface water	1987/0372	2 (17/10/1991)	158.400	29/01/1997	terminated
	Wild birds	1986/0222	2 (03/07/1990)	26.400	29/01/1997	terminated
	Groundwater	1986/0121	2 (28/02/1991)	264.000	29/01/1997	terminated
	Impact Directive	1990/4710	1,5 (22/10/1998)	237.600	21/12/2000	Withdrawn in 2001
E	Dir. 76/160/CE – Quality of bathing water	1989/0418	2 (12/02/1998)	45.600	23/05/2001	Ongoing
EL	Private schools (nationality)	1989/0165	2,5 (15/03/1988)	61.500	10/12/1997	terminated
	Higher education diplomas	1991/0668	2 (23/03/1995)	41.000	10/12/1997	terminated
	Public service contracts	1993/0711	1,5 (02/05/1996)	39.975	24/06/1998	terminated
	Kouroupitos waste dump	1989/0138	2 (07/04/1992)	24.600 judgment 04/07/2000 = € 20.000	26/06/1997	Terminated in 2001
	Access to public-sector jobs	1991/0583	2 (02/07/1996)	57.400	01/07/1999	terminated

F	Fisheries: failure to monitor compliance with technical conservation measures	1984/0445	3 (11/06/1991)	316.500	20/12/2001	Ongoing
	Defective products	1989/0146	2,5 (13/01/1993)	158.250	31/03/1998	terminated
	Wild birds	1984/0121	2,5 (27/04/1988)	105.500	24/06/1998	terminated
	Night work by women	1990/2109	1,5 (13/03/1997)	142.425	21/04/1999	Withdrawn
	Incorrect transposal of the third insurance directives (mutual sector)	1995/2046	2,3 (16/12/1999)	242.650	22/05/2002	Ongoing
	Failure to comply with Community decisions on British beef	1999/2247	1(13/12/2001)	158.250	18/07/2002	Withdrawn in 2002
I	Radiation protection	1990/0240	2 (09/06/1993)	159.300	29/01/1997	terminated
	Waste management plan	1988/0239	2 (13/01/1991)	123.900	29/01/1997	terminated
	Reorganisation of working time	1997/0095	2,7(09/03/2000)	238.950	17/12/2002	Ongoing
	Urban waste water	1993/0786	1,5 (12/12/1996)	185.850	02/12/1998	terminated
	Safety at sea: pollution control and shipboard living and working conditions	1996/0997	1 (11/11/1999)	88.500	21/12/2000	terminated
L	Access to public-sector jobs	1991/0222	2 (02/07/1996)	14.000	02/12/1998	terminated
	Medical treatment on board vessels	1995/0142	(29/10/1998)	6.000	22/12/1999	terminated

	Investigation of civil aviation accidents and incidents	1997/0107	1,8 (16/12/1999)	9.000	20/12/2001	Withdrawn
UK	Bathing water quality - Blackpool and Southport	1986/0214	3 (14/07/1993)	106.800	21/12/2000	Withdrawn
IR	Environmental Impact (Dir 85/337)	1989/0425	3 (21/09/1999)	21.600	17/12/2002	Ongoing

Implementation of Governance White Paper

In 2002 the Commission completed its review following the Governance White Paper,¹¹ with particular reference to improved monitoring of the application of Community law. In its Communication of 20.12.2002,¹² the Commission outlines ways of meeting its governance objectives: closer preventive cooperation with the Member States coupled with better information for the public, and the search for complementary or alternative methods of help to remedy infringements outside the Article 226 procedure while boosting that procedure where it is necessary to apply it.

At the same time the Commission adopted a number of operational measures¹³ to support this process, such as setting up a website on monitoring the application of Community law, multiplying contacts with the Member States and internal organisation measures and structural changes to improve the monitoring of legislative activity and the consistency of the preventive and remedial action taken. The European Parliament could be offered an initial review in the next annual report on monitoring the application of Community law.

The action to be developed here aims not only to meet the Commission's permanent concern to perform to the full its function as guardian of the Treaties but also to take up the challenge of the forthcoming enlargement and avoid a proportional increase in the number of cases to be handled while continuing to handle them quickly even if they do proliferate.

¹¹ Commission Communication – European Governance: Better lawmaking: COM(2002)275 fin, 6.6.2002.

¹² Commission communication: Better monitoring of the application of Community law: COM(2002) 725 fin, 20.12.2002.

¹³ SEC (2002) 1344 final, 12.12.2002

2. SITUATION SECTOR BY SECTOR

2.1. ECONOMIC AND FINANCIAL AFFAIRS

Free movement of capital

Overall the free movement of capital works satisfactory both within the European Community and in relations with third countries. In 2002, the total number of infringements remained stable. But some of them are significant barriers to the sound operation of the single market.

For some years now the most serious infringements have involved investment restrictions flowing from special rights of control that the authorities of certain Member States claim. On 4 June 2002, the Court of Justice gave judgment in three cases concerning golden shares established at the time of privatisation of firms doing business in areas of general or strategic interest.¹⁴ It confirmed that restrictions on direct investment in the relevant companies, including their management, were compatible with the Treaty only if they met very precise conditions avoiding, among other things, all forms of discretion and discrimination. These judgments again confirm the principles previously set out by the Commission in its Communication on certain legal aspects concerning intra-eu investment,¹⁵ as did an earlier judgment given on 23 May 2000.¹⁶

This valuable clarification of the law relating to investment restrictions should help to speed up the handling of similar cases that came up recently as regards restrictions on various activities commonly acknowledged to be services of general economic interest. As they are subject to an accelerating process of liberalisation in the Community, the objective of protecting the general interest must not be allowed to serve as a pretext for introducing restrictions that make the exercise of the fundamental freedoms conferred by the Treaty less and less attractive.

For some years restrictions on the acquisition of real property have been a regular source of infringements concerning the free movement of capital, affecting individual citizens particularly seriously. On 5 March 2002 the Court of Justice gave a set of judgments confirming the compatibility of a prior notification procedure for the acquisition of building plots.¹⁷ But the prior authorisation procedure was held contrary to Community law. The fact that the Court had already ruled on similar questions once again illustrates the relatively fragmentary nature of the Community real property market and the limits on the exercise of the fundamental freedoms conferred by the Treaties on European economic operators. Beyond the immediate impact of these restrictions on the acquisition of real property, they can also affect the right of establishment of individuals and bodies corporate and, indirectly, freedom of movement of persons and freedom to provide services. A number of restrictions on the acquisition of real property in certain Member States are currently under scrutiny.

¹⁴ C-367/98 *Commission v Portugal*, C-483/99 *Commission v France* and C-503/99 *Commission v Belgium*.

¹⁵ OJ C 220, 19.7.1997; 1997 General Report, point 210.

¹⁶ Case C-58/99 [2000] ECR I-3811.

¹⁷ Joined Cases C-515/99, C-519/99 to C-524/99 and C-526/99 to C-540/99.

2.2. ENTERPRISE

On 31 December 2002 there were more than 500 directives in force here. Complaints and infringements relating to these directives account for nearly 7.7 % of the total cases handled by the Commission in 2002. This means that the number of decisions dealt with by DG ENTR in 2002 was higher than in 2001.

The main reason for this is the shortfall in transposal regarding chemicals and cableway installations (funicular railways, cable cars).

Delays in transposal are partly due to the length of internal procedures and the complexity of the directives. The directives to be transposed are highly technical and sometimes involve several different government departments, which can lead to delays.

The number of cases of incorrect application or transposal are the same as in 2001. Most of them concerned capital goods and pharmaceuticals.

Infringement proceedings can often be avoided as a result of Directive 98/34/EC, which continues to play its role as the basic instrument for preventing barriers to trade and for mutual information. That directive lays down an information procedure requiring Member States to notify the Commission and the other Member States of their draft technical standards for products and their draft rules for information society services for scrutiny in relation to internal market rules prior to final adoption.

2.2.1. *Chemicals*

In the chemicals sector there was a major increase over 2001 in the number of cases of failure to transpose. Forty-four new infringement proceedings were commenced, 11 of them being terminated when national transposal measures were notified. The sharp increase in the number of non-transposal cases is related to the number of directives falling due for transposal in 2002, which was up on 2001 (four as against one) and does not therefore mean that there has been a reversal in the trend. As in 2001, the main reason for failure to transpose seems to lie in delays in national transposal procedures rather than other factors, though explosives (Directive 93/15/EEC) are an exception. One case is currently under scrutiny in the context of Article 228 proceedings following a judgment given by the Court of Justice in March 2000¹⁸ holding that France had failed to transpose Directive 93/15/EEC.

Regarding cases of incorrect transposal or application, no new infringement proceedings were commenced.

2.2.2. *Pharmaceutical products*

In 2002, the Commission commenced 16 proceedings for failure to notify measures transposing Directives 2000/37/EC and 2000/38/EC on pharmacovigilance of human and veterinary medicinal products. Most of them were terminated, the exceptions being the proceedings against Italy and Germany. The Commission decided to refer the case against Germany to the Court of Justice. In the case against Italy, it issued two reasoned opinions.

¹⁸ Case C-327/98.

Problems remain with the application and interpretation of Directive 89/105/EC relating to the transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of national health insurance systems. Some Member States do not comply with the Directive's requirements, particularly as regards the time allowed for the adoption and notification of a decision on the price of a medicine, the requirement that decisions be taken on the basis of objective, verifiable criteria, the provision of redress procedures against decisions and the conditions for constitution of positive list of medicines covered by the national health insurance system.

In proceedings against Member States for failure to comply with Directive 89/105/EEC, the Commission sent Greece an additional letter of formal notice for incorrect transposal. The Greek authorities' reply is now under scrutiny. In the proceedings against Austria for incorrect transposal of Directive 89/105/EEC, the Austrian authorities notified the Commission of measures adopted in response to the judgment given by the Court of Justice on 27 November 2001 (Case C-99/424), finding against Austria for incorrect transposal of the Directive. The Commission is evaluating the new measures for conformity.

Discussions are also in hand with other Member States on the application of the Directive.

Apart from the transparency Directive, there are two other major proceedings under way, against Belgium and Italy. They concern Directive 89/381/EEC concerning medicinal products derived from human blood in Belgium and the conditions for suspending authorisations to market medicines in Italy. In the former case, the Belgian authorities adopted an Order terminating the infringement in 2002, which is now under scrutiny. In the latter case, the Italian authorities' reply to the letter giving formal notice is under scrutiny.

The Commission terminated proceedings against Spain relating to radio-pharmaceutical medicines and proceedings against the Netherlands relating to the registration of homeopathic products.

2.2.3. *Cosmetics*

No directives fell due for transposal in 2002. Among existing directives, only Directives 97/18/EC and 2000/41/EC postponing the date after which animal tests are prohibited for ingredients or combinations of ingredients of cosmetic products continue to raise transposal problems, as three Member States have still to transpose them. But these infringement cases should be settled in 2003 following the adoption of the Parliament and Council Directive amending Directive 76/768/EEC for the seventh time.

The Commission received no new complaints here in 2002.

2.2.4. *Capital goods*

Generally speaking, most infringements relating to capital goods (pressure vessels; measuring equipment, medical devices; mechanical and electromechanical equipment) still running on 31 December 2002 concern incorrect application or transposal. Regarding pressure vessels, all the Member States have now transposed Directive 97/23/EC, including Germany, which had been referred to the Court of Justice in 2001.¹⁹

Regarding measuring devices and Directive 1999/103/EEC (units of measurement), all the Member States have notified transposal measures, except France, which states that they are in the pipeline.

Regarding *in vitro* medical devices (Directive 98/79/EC), France is the only country that has not notified full transposal measures, and the infringement proceedings are due to continue.

Progress has been made in the transposal of Directives 2000/70/EC and 2001/104/EC amending Directive 93/42/EC as regards medical devices incorporating stable products derived from human blood or human plasma. The Commission terminated several infringement proceedings for failure to notify it of transposal measures. But France, Belgium, Italy, Austria and Portugal have still to transpose them.

The last outstanding infringement proceeding for failure to transpose the mechanical and electromechanical equipment directives was terminated. This concerned Greece's failure to transpose Directive 1999/5/EC on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity.

In 2002 progress was made with the cases concerning incorrect application or transposal of the directives on medical devices, gas appliances and pressure vessels, and some proceedings were terminated.

Italy, for instance, amended its legislation and came into line with Directive 90/396/EC on gas appliances. In other cases, procedures for amendment of national legislation in line with Community law have been announced.

The Commission was able to terminate four infringement proceedings for incorrect application or transposal of mechanical and electro-mechanical engineering directives through the strict application of the Article 226 procedure.

2.2.5. *Motor vehicles, tractors and motorcycles*

The rate of transposal of the directives governing the type-approval of motor vehicles, agricultural and forestry tractors and motorcycles was satisfactory. Only six directives were due for transposal in 2002, as against eleven in 2001.

Of these six directives, only three needed letters of formal notice – five of them – to countries that had not transposed them in the time allowed (two to Portugal, one each to Greece, Austria and Sweden).

¹⁹ Case C-2002/135.

But Directive 2002/78/CE on the approximation of the laws of the Member States relating to the braking devices of certain categories of motor vehicles and their trailers, which fell due on 30 December 2002, had by then been transposed only by Germany and Sweden.

More generally, the Commission has begun looking into the automatic transposal method used by certain Member States to transpose motor-vehicle directives. Certain infringement cases, particularly those concerning the Netherlands, are still outstanding pending clarification of the extent to which this method gives the general public and economic operators adequate publicity and certainty as to the law.

The complexity of the legislation and the constant evolution of technologies engenders problems of interpretation regarding the type-approval of vehicles, which calls for close and constant cooperation between the Commission and the type-approval authorities.

2.2.6. Pleasure vessels and cableway installations

In 2002, the Commission sent a reasoned opinion to Belgium for incorrect application of Directive 94/25/EC on pleasure vessels.

It also sent reasoned opinions to eight Member States (Germany, Greece, Italy, Ireland, Luxembourg, Netherlands, Austria and the United Kingdom) for failure to notify measures transposing Directive 2000/9/EC relating to cableway installations designed to carry persons.

2.2.7. Payment delays

The period for transposing Directive 2000/35/CE on combating late payment in commercial transactions expired in August 2002. Only eight Member States transposed in time. The Commission accordingly opened infringement proceedings against the other seven. It then received national measures from Italy, Austria and the Netherlands, leaving four Member States still in an infringement situation.

2.2.8. Preventive rules provided for by Directive 98/34/EC

Directive 98/34/EC (as amended by Directive 98/48/EC) lays down an information procedure enabling the Member States and the Commission to exercise prior checks against the internal market rules on draft technical standards relating to products and draft rules relating to information society services.

In 2002, the Commission was notified of 508 draft standards (30 of them relating to information society services). While the aggregate number is much the same as in 2001, the number on which the Commission had to issue a reasoned opinion stating that the proposed measure needed amending to remove potential unwarranted barriers to freedom of movement of goods or information society services was up slightly. Apart from the infringements of the EC Treaty, many of the Commission's reasoned opinions, as in previous years, warned the addressees that their drafts were liable to infringe Community directives on the free movement of goods or of information society services.

In ten or so cases the directive facilitated Community harmonisation procedures by precluding the adoption of national measures that would have frozen the position of certain Member States at a time when common solutions were being sought. Most cases concerned chemicals, agriculture and foodstuffs.

Where it observes an infringement of the directive, either through the adoption of legislation containing technical rules that have not been notified as required by the directive or through failure to comply with the status quo periods provided for by it, the Commission engages in dialogue with the Member States to have the situation remedied (for example through notification of a fresh draft and its subsequent adoption) or commences infringement proceedings. At the end of 2002, 18 infringement proceedings were under scrutiny. The small increase over 2001 is due to the growing number of infringements in information society services. The explanation is that it is this a new complex area in which the Member States encounter difficulties with the proper application of the procedure. The instruments criticised concern electronic signatures, e-commerce and electronic communication.

To remedy the situation, briefing sessions on the operation of the notification procedure have been held for certain Member States, highlighting the information society services aspect.

In 2002, the Court of Justice gave an important judgment²⁰ according to which the exception allowed by Directive 83/189/EEC (as consolidated by Directive 98/34/EC), whereby a Member State does not need to notify draft rules that bring it into line with mandatory Community provisions adopting technical specifications (e.g. transposal of a directive), must be interpreted strictly.

To improve dialogue with firms, a website detailing notified drafts has been opened at http://europa.eu.int/comm/enterprise/tris/index_en.htm.

2.3. COMPETITION

In 2002, the Commission took decisions in 37 competition cases.²¹ Twenty-six of them were terminated, but the Commission referred four to the Court of Justice. It is difficult to draw overall conclusions from these figures, but it is clear that the Member States have a general tendency to take the measures needed to come into line with Community competition law. Competition cases account for only a small proportion of suspected infringements of Community law currently under scrutiny at the Commission. Most of the complaints filed with the Commission turn out to be unfounded or undeserving of priority for lack of a Community dimension or can be rejected as having been handled properly by the relevant Member State when they were under scrutiny. Many infringement cases concerned the directives on competition in telecommunications or transparency in financial relations between the Member States and their public enterprises.

²⁰ Case C-390/99 *Canal Satellite* (judgment given on 22.1.2002).

²¹ This Report does not consider the Commission's scrutiny of suspected infringements of the Community rules on state aids on the basis of Article 88 of the EC Treaty.

2.3.1. *Telecommunications*

At the end of 2001, the Commission had received a complaint from the French association of multi-service network operators (AFORM), representing the majority of French cable operators. The complaint chiefly concerned alleged discrimination between cable operators in procedures for licensing the establishment and operation of telecommunications services and awarding and charging for rights of way over public land. The French legislation is alleged to be less favourable to cable operators than to other telecoms operators, which could be a serious handicap when cable operators attempt to load telephone and Internet access services on their networks. The Commission considers at this stage that the French rules do not appear to be compatible with Directive 95/51/EC, which abolished restrictions on the use of cable television networks, or the provisions of Directive 96/19/EC relating to rights of way. A letter giving formal notice to act was sent to the French authorities on 25 October 2002.

The Commission also opened an infringement procedure against Portugal concerning the application of the non-discriminatory principle to the allocation of rights of way in the context of Directive 1990/388/EEC.

2.3.2. *Air transport*

On 16 October 2002 the Commission terminated the infringement proceedings against Portugal for failure to comply with Commission Decision 1999/199/EC of 10 February 1999.

This decision, relating to the system of discounts on landing charges and the variations depending on the origin of the flight, operated at the Portuguese airports of Lisbon, Porto and Faro (Case IV/35.703 - Portuguese airports), established that the system was incompatible with Article 86(1), read with Article 82 (discriminatory pricing imposed by ANA-EP, public enterprise managing the relevant airports).

Portugal appealed to the Court of Justice of the European Communities on 4 May 1999. By judgment given on 29 March 2001²² the Court dismissed the appeal and the Portuguese authorities took measures (Decree-Act of 26 December 2001, implementation decree of 3 July 2002) bringing the landing charges at the Portuguese airports of Lisbon, Porto and Faro into line with the decision of 10 February 1999.

2.3.3. *State aid*

Several Member States have still not implemented amendments to the so-called Transparency Directive²³, according to which undertakings entrusted with public service missions have to keep separate accounts for their public missions on the one hand and competitive services on the other hand. Using public funds to distort competition breaches the key principle according to which companies that receive State funding for services of general interest cannot use these resources to subsidise activities open to competition. This is especially true for newly liberalised sectors where emerging competition is still vulnerable. As special or exclusive rights or the public funding may

²² Case C-163/99.

²³ Commission Directive of 26 July 2000 amending Directive 80/723/CEE on the transparency of financial relations between the Member States and public undertakings.

thus not unduly favour the public undertakings' competitive activities, financial transparency in the relations between the State and public service undertakings is indispensable. Member States had until the end of July 2001 to implement the Transparency Directive into their national laws. On 19 October 2001 the Commission sent a reminder to some Member States which had not implemented the Transparency Directive. On 26 June 2002 the Commission sent a reasoned opinion under Article 226 of the EC-Treaty to Finland, France, Ireland, Italy, Portugal and Sweden. As none of these Member States had transposed the Transparency Directive into national law, the Commission requested that they comply with their obligation to do so within two months. In those cases where the Member States have failed to inform the Commission of the provisions adopted to comply with the new requirements, the Commission, has brought the matter before the European Court of Justice. In a related development, the Commission opened new proceedings against Belgium and Luxembourg.

In the *Maribel* case the Court of Justice gave judgment against Belgium in July 2001 for failure to obtain reimbursement of aid given in the form of tax relief. The Commission considered that Belgium had not fully executed the Court's judgment and put it on formal notice in the procedure of Article 228(2) of the EC Treaty in April 2002, following this with a reasoned opinion in July 2002.

2.4. EMPLOYMENT AND SOCIAL AFFAIRS

This covers different aspects of social policy (free movement of workers, equal treatment for women and men, working conditions and health and safety at the workplace) and a variety of legal instruments (EC Treaty, regulations and many directives).

In cases concerning the free movement of workers, the Commission has to tackle problems of incorrect application of certain provisions of the EC Treaty and the Regulations that apply here, which it learns about through individual complaints from citizens, whereas in other areas (equal treatment for women and men, working conditions and health and safety at the workplace), the main problems concern incorrect transposal measures, or failure to notify such measures.

Free movement of people

In the field of the free movement of persons, problems remain owing to incorrect application of the relevant provisions of the Treaty (articles 39 and 42 EC) and Regulations Nos 1408/71 and 1612/68²⁴. A large number of proceedings already opened were continued. One example concerns the difficulty of obtaining recognition in the public service in several Member States of work experience acquired in another Member State. The cases against Belgium, France, Spain, Italy, Portugal, Austria and Ireland still continue despite the fact that some progress in achieving conformity with Community law has been made. The Commission also decided to refer the case against Belgium concerning a family benefit ("allocation d'interruption de carrière") to the Court of Justice, as the payment of this benefit is conditional upon a person residing in Belgium. In relation to a similar residence condition which needs to be fulfilled in order to qualify for the benefit in case of pre-retirement, a reasoned opinion was sent to Belgium.

²⁴ See in this respect also the recently adopted Communication from the Commission 'Free movement of workers – achieving the full benefits and potential', 11 December 2002, COM (2002) 694 final.

The proceedings against Italy for having failed to communicate national measures taken in order to comply effectively with the Court's ruling²⁵ condemning it for non-recognition of the acquired rights of former foreign-language assistants by certain Italian universities (*Lettori*), continue and the Commission decided to send a reasoned opinion under Article 228 of the Treaty.

On the other hand, infringement proceedings against France concerning the deduction of the "contribution sociale généralisée" and the "contribution pour le remboursement de la dette sociale" from the income of frontier workers which continued under Article 228 of the Treaty could be closed, following the adoption of the necessary measures to comply with the judgment delivered by the Court²⁶.

The deadline for notifying national measures transposing Directive 98/49/EC²⁷ was 25 January 2002,²⁸ and infringement proceedings were begun against Member States that had not notified them by then.

Equal treatment of men and women

As regards cases of failure to notify national transposal measures, a reasoned opinion was sent to Greece for failure to transpose Directive 97/80/EC (burden of proof). But the proceedings against Greece for failure to transpose Directive 96/97/EC,²⁹ in which the Court of Justice had given judgment against Greece³⁰ and which were continuing under Article 228 of the Treaty, were terminated when Greece adopted the requisite measures.

A reasoned opinion was served on the Luxembourg Government for incorrect transposal of Directive 96/34/EC (parental leave), but the case against the United Kingdom was terminated on the adoption of measures transposing the Directive properly.

The proceedings concerning incorrect application of Directives 75/117 and 79/7 in Greece (failure to abolish, with retroactive effect, provisions of collective agreements subjecting the grant of family and marriage allowances to female workers to conditions not imposed on married male workers),³¹ which were continuing under Article 228 of the Treaty, were terminated.

As regards Directive 76/207/EEC, the Commission decided to refer to the Court of Justice its case against Germany, where national legislation precludes part-time workers in the public sector from serving on committees representing staff. The Commission considers that in reality this has a greater effect on female workers and therefore constitutes indirect sex discrimination contrary to Directive 76/207/EEC, and in particular Articles 1 and 2. A reasoned opinion was served on the Austrian authorities as regards the prohibition on women working in high-pressure environments and

²⁵ Judgment ECJ of 26 June 2001 in Case C-212/99.

²⁶ Judgments of 15 February 2000 in Cases C-169/98 and C-34/98.

²⁷ Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community: OJ L 209, 25.7.1998, p. 46.

²⁸ For progress in transposal, see Annex IV, Part 2 of this report

²⁹ Council Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes.

³⁰ Case C-457/98 (judgment given on 14 December 2000).

³¹ Case C-187/98 (judgment given on 28 October 1999).

atmospheres and in underground mines. The Commission regarded this as contrary to Article 3 of Directive 76/207/EEC.

Working conditions

As regards working time, the Article 228 proceedings against Italy for failure to notify measures to comply with the judgment given against it by the Court of Justice³² for failure to notify national measures transposing Directive 93/104/CE³³ are still running. As Italy has still taken no measures to comply, the Commission has decided to bring fresh proceedings in the Court of Justice,³⁴ asking the Italy be ordered to pay a penalty payment of €238 950 per day of delay.

On 8 May 2002, following a reasoned opinion (on the ground that Directive 93/104/EC had been transposed in Denmark by collective agreements that did not apply to all workers), Denmark adopted legislation completing transposal. The proceedings for failure to cover certain workers in collective agreements transposing the Directive will be terminated shortly.

Following the adoption of the report on progress in transposing the directive,³⁵ the Commission also commenced proceedings in a number of other cases of incorrect national transposal measures.

As regards the working time of seafarers, the time allowed for transposing Directive 1999/63/EC³⁶ expired on 30 June 2002.³⁷ Infringement proceedings have been commenced against Member States that had not notified national transposal measures in time.

Problems remain with the non-conformity of measures transposing Directive 77/187 concerning the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses in Italy (where it does not apply in certain crisis situations such as a court-ordered preventive composition with creditors or a special administration procedure). The case is still ongoing in the Court of Justice.³⁸ The deadline for notifying national measures transposing Directive 98/50/EC³⁹ was 17 July 2001,⁴⁰ and infringement proceedings were begun against Member States that had not

³² Case C-386/98 (judgment given on 9.3.2000).

³³ Council Directive of 23 November 1993 concerning certain aspects of the organisation of working time: OJ L 307, 13.12.1993, p. 18.

³⁴ Case C-2003/057.

³⁵ Commission report on progress in transposing Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time: OJ L 307, 13.12.1993, p. 18.

³⁶ Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) - Annex: European Agreement on the organisation of working time of seafarers: OJ L 167, 2.7.1999, p. 33.

³⁷ For progress in transposal, see Annex IV, Part 2 of this report

³⁸ Case C-145/01 *Commission v Italy*.

³⁹ Council Directive 98/50/EC of 29 June 1998 amending Directive 77/187/EEC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses: OJ L 201, 17.7.1998, p. 88.

⁴⁰ For progress in transposal, see Annex IV, Part 2 of this report .

notified them by then. A reasoned opinion was sent to Portugal, and the case against Ireland was referred to the Court of Justice.⁴¹

Turning to the fixed-term work directive,⁴² a reasoned opinion was sent to the Netherlands for failure to notify national transposal measures in due time. Proceedings against Ireland for failure to transpose in good time continued, and it has been decided to refer to the Court of Justice.

As regards Directive 98/59/EC on collective redundancies,⁴³ the infringement proceedings against Italy and Portugal for incorrect transposal are still in motion in the Court of Justice.⁴⁴ The same applies to the action against Germany⁴⁵ for incorrect transposal of the posting of workers directive,⁴⁶ where the Court will have the opportunity to rule on the interpretation of the concept of “minimum rates of pay”.

Health and safety at work

Proceedings against Member States that have not yet notified measures transposing Directives 98/24/EC⁴⁷ and 2000/39/EC⁴⁸ for the protection of health and safety at the workplace continued, and the decision has been taken to refer France (Directive 98/24/EC) and France and Italy (Directive 2000/39/EC) to the Court of justice.

Following the judgment given by the Court of Justice against Austria for failure to notify full measures transposing Directives 95/30⁴⁹, 97/59⁵⁰ and 97/65⁵¹ (risks of exposure to biological agents at work), Article 228 proceedings are in motion as regards the first two directives. But the proceedings concerning Directive 97/65 were terminated.

Several infringement proceedings have been commenced or continued regarding problems of incorrect transposal of the framework Directive 89/391/EEC⁵² and its specific directives. Reasoned opinions, for example, were sent to Austria, France and Spain regarding transposal of Directive 89/391/CEE. Proceedings are also still in motion against Ireland, Sweden and the United Kingdom, and the cases against the Netherlands and Luxembourg have reached the Court of Justice.⁵³ On 7 February 2002 judgment was

⁴¹ Case C-2003/075.

⁴² Directive 99/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP: OJ L 175, 13.7.99, p. 43.

⁴³ Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies: OJ L 225, 12.8.1998, p. 16.

⁴⁴ Cases C-32/02 and C-55/02 respectively.

⁴⁵ Case C-341/02.

⁴⁶ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services: OJ L 18, 21.1.1997, p. 2.

⁴⁷ Council Directive on the protection of the health and safety of workers from the risks related to chemical agents at work.

⁴⁸ Commission Directive establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work.

⁴⁹ Case C-473/99 (judgment given on 14.6.2001).

⁵⁰ Case C-110/00 (judgment given on 11.10.2001).

⁵¹ Case C-111/00 (judgment given on 11.10.2001).

⁵² Council Directive on the introduction of measures to encourage improvements in the safety and health of workers at work.

⁵³ Cases C-441/01 and C-335/02 respectively.

given against Germany⁵⁴ for incorrect transposal of the obligation imposed by the directive for a health and safety risk evaluation to be available in documentary form at all times. Article 228 proceedings against Italy following the judgment given by the Court of Justice⁵⁵ are under examination.

Regarding the specific directives, Spain has been referred to the Court of Justice for incorrect transposal of Directive 89/655/EEC (work equipment), and judgment was given against Italy on 24 October 2002⁵⁶ for incorrect transposal of Directive 90/270/EEC (display screen equipment).

2.5. AGRICULTURE

Monitoring the application of Community law in agriculture proceeds along two axes – removing barriers to the free movement of agricultural produce and ensuring that the more specific mechanisms of the agricultural regulations are applied effectively and correctly.

The general tendency for traditional barriers to the free movement of agricultural produce, such as routine import checks and demands for certification, to come down continued. The Member States sometimes took action to reserve the use of labels quality for national or regional produce, and the Commission had to intervene.

While it supports initiatives to promote the quality of agricultural produce and foodstuffs, which can help create new market outlets, improvements in farmers' incomes and wider choice for consumers, the Commission has always sought to ensure that quality labels are not reserved *de jure* or *de facto* for national or regional products where they have no specific quality features recognised as such.

This approach, the purpose of which is to avoid such labels generating arbitrary discrimination against producers and operators in other Member States and unwarranted barriers to the free movement of goods (*cf.* Case C-13/78 *Eggers* (12.10.1978) and Case C-321/94 *Montagne* (7.5.1997)), was recently upheld by the Court of Justice. In Case C-325/00 the Court gave judgment for the Commission in its action against the German CMA label.⁵⁷ The label, which states "Markenqualität aus deutschen Landen" (quality label for produce made in Germany), requires at least part of the process of producing agricultural produce and foodstuffs to have taken place in Germany. The Court held that "Such a scheme, set up in order to promote the distribution of agricultural and food products made in Germany and for which the advertising message underlines the German origin of the relevant products, may encourage consumers to buy the products with the CMA label to the exclusion of imported products" and gave judgment against Germany. In the same context, an action was brought in the Court on ten French regional labels;⁵⁸ Mr Advocate-General Mischo presented his conclusions on 5.12.2002, supporting the

⁵⁴ Case C-5/00.

⁵⁵ Case C-49/00 (judgment given on 15 November 2001).

⁵⁶ Case C-455/00.

⁵⁷ Judgment given on 5.11.2002 [2000] ECR 0000.

⁵⁸ In the case of France the infringement proceedings concern the following regional quality labels: "Normandie", "Nord-Pas-de-Calais", "Ardennes de France", "Limousin", "Languedoc-Roussillon", "Lorraine", "Savoie", "Franche-Comté", "Corse", "Midi-Pyrénées" and "Salaisons d'Auvergne".

Commission. The Commission then decided to bring actions in the Court on two Italian regional quality labels⁵⁹ and two Belgian regional labels.⁶⁰

Regarding the repeated acts of violence by individuals in France against fruit and vegetable imports from other Member States, in particular from Spain, and the authorities' failure to take measures to prevent such acts, it is worth recalling the judgment given by the Court of Justice on 9 November 1997 in Case C-265/95,⁶¹ where it held that "by failing to adopt all necessary and proportionate measures in order to prevent the free movement of fruit and vegetables from being obstructed by actions by private individuals, the French Republic has failed to fulfil its obligations under Article 30 of the EC Treaty (now Article 28 EC), in conjunction with Article 5 of that Treaty (now Article 10), and under the common organisations of the markets in agricultural products." The fact that the marketing of fruit and vegetables from Spain has been untrammelled since that judgment was given suggests that the measures taken by the French Government to give effect to it have worked better than those taken in previous years. But in 2002 there was a campaign to threaten violence and force supermarkets in certain regions to give pride of place to French or regional fruit and vegetables.

In monitoring the application of specific common agricultural policy rules, the Commission has continued to pay regular attention to the application of instruments for controlling production, such as the milk quotas scheme, and the integrated management and control of Community assistance.

A case was brought in the Court of Justice as regards the delays in implementing the integrated management and control system for certain Community aid schemes under Regulation (EEC) No 3508/92 in Greece.⁶² That regulation harmonises and rationalises management and control measures for Community aid schemes, particularly for arable farming and production of beef and veal, sheepmeat and goatmeat in order to boost efficiency and profitability, through a policy of prevention and enforcement regarding potential irregularities in EAGGF financial operations.

Although there is an obligation to establish the practical measures for the integrated control system by 1 January 1997, the Greek authorities have not fully met the requirements of Article 2 of Regulation (EEC) No 3508/92, designed to ensure that payments by Community bodies are in accordance with the law and regulations applicable to them.

In addition to these proceedings, the Commission acted to enforce the rules protecting biological agriculture, to prevent charges being levied on amounts due from the Structural Funds and to enforce compliance with the third-country banana import rules.

It decided to refer to the Court of Justice a new set of Spanish rules allowing the word "Bio" to be used for products not produced by biological agriculture techniques within the meaning of Council Regulation (EEC) No 2092/1991 of 24 June 1991, as amended by

⁵⁹ In Italy the infringement proceedings concerned the "Regione Siciliana-Marchio Qualità" and "Abruzzo Qualità" regional quality labels.

⁶⁰ In Belgium the infringement proceedings concerned the "Label de qualité wallon" and the Blanc bleu fermier" label.

⁶¹ [1997] ECR I-6959 (judgment given on 9.11.1997).

⁶² Case C-2002/328.

Regulation (EC) No 1999/1804 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs. It issued a reasoned opinion against the charging of an administrative levy by IFADAP, the Portuguese public body responsible for Community and national agriculture and fisheries support and assistance schemes, on amounts paid to recipients of assistance co-financed by the Structural Funds, contrary to Regulations (EEC) Nos 4253/88 and 2082/93. And it continued its infringement proceedings against France by issuing a reasoned opinion on the ground that France determined reference quantities for the issue of import licences for bananas that were well in excess of the quantities determined by Regulation (EC) No 896/2001.

Directive 98/34/EC requires the Member States and the EFTA countries to notify, prior to adoption, all draft rules containing technical standards that could raise barriers to intra-Community trade in agricultural produce, and once again 2002 saw a proliferation of drafts notified to the Commission. A total of 119 drafts notified by the Member States and the EFTA countries in agricultural matters under Article 28 of the EC Treaty and secondary legislation were examined in 2002.

2.6. ENERGY AND TRANSPORT

In 2002, 231 infringement cases were scrutinised, including 119 cases of failure to notify measures transposing directives and 112 cases of incorrect transposal of directives or incorrect application of Community law. The reason for this stability in the number of infringement cases despite the large number of cases closed during the report period (111, including 79 cases of failure to notify) is the faster transposal of transport directives, even though the Member States very often fail to abide by the transposal deadlines. 100 new infringement cases were opened (59 of them for failure to notify), and 28 complaints were examined during the same period. The Court of Justice gave 15 judgments for failure to fulfil obligations.

Energy

2.6.1. Internal market for electricity and natural gas

Parliament and Council Directive 96/92/EC of 19 December 1996 concerning common rules for the internal market in electricity has been transposed by all the Member States except Belgium, which has still to issue a number of implementation Orders, for which the Commission has referred it to the Court of Justice.⁶³

Parliament and Council Directive 98/30/EC concerning common rules for the internal market in natural gas was to be transposed by 10 August 2000. France has still not transposed it, and the Court of Justice gave judgment against it on 28 November 2002.⁶⁴ Germany has transposed only part of the directive, and the Commission has decided to refer the case to the Court of Justice.

⁶³ Case C-2002/126.

⁶⁴ Case C-2001/259 *Commission v France* [2002] ECR I-11093 (judgment given on 28.11.2002).

2.6.2. *Energy efficiency*

Parliament and Council Directive 2000/55/EC of 18 September 2000 on energy efficiency requirements for ballasts for fluorescent lighting fell due for transposal on 20 November 2001 and has been transposed in all Member States except Germany, where transposal measures should be adopted in 2003.

Since no reports on the application of Council Directive 93/76/EEC of 13 September 1993 to limit carbon dioxide emissions by improving energy efficiency (SAVE) have been transmitted, infringement proceedings are in motion against Ireland and Luxembourg, and the Commission has decided to refer the latter Member State to the Court of Justice.⁶⁵

There have been delays in notifying measures transposing Commission Directive 2002/31/EC of 22 March 2002 implementing Council Directive 92/75/EEC with regard to energy labelling of household air-conditioners and Commission Directive 2002/40/EC of 8 May 2002 implementing Council Directive 92/75/EEC with regard to energy labelling of household electric ovens. When these two Directives fell due for transposal (31 December 2002), only one Member State had fulfilled its obligations.

Council Directive 98/93/EC of 14 December 1998 amending Directive 68/414/EEC imposing an obligation on Member States of the EEC to maintain minimum stocks of crude oil and/or petroleum products, due to be transposed by 31 December 1999, has been transposed by all the Member States. But proceedings are still in motion against Greece for incorrect application of the Directive, and a reasoned opinion was issued on 23 October 2002.

Transport

In 2002, eight new transport directives fell due for transposal. The rate of transposal of transport directives, which had risen sharply to 98% in May, has fallen back to its 2001 level of 94.7% as Member States were behind schedule in notifying measures for the three directives due to be transposed in December 2002. The number of complaints (23) was double the previous year's. But the number of infringement proceedings that the Commission decided to refer to the Court of Justice was down by over a half (11, as against 24 in 2001). The number of judgments given against Member States for failure to act was stable (14, as against 15 in 2001), the specific case of bilateral air navigation agreements with the United States accounting for eight of them.

2.6.3. *Road transport*

On 6 June 2002 judgment was given against Belgium for failure to transpose Council Directive 98/76/EC amending Directive 96/26/EC on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport.⁶⁶ The proceedings against France, Luxembourg and Sweden were terminated. The Belgian authorities notified the Commission of a Royal Decree of 7 May 2002 on

⁶⁵ Case C-2002/461.

⁶⁶ Case C-2001/274 *Commission v Belgium* [2000] ECR I-5151 (judgment given on 6.6.2002).

the transport of goods by road, and proceedings will be terminated as soon as the Decree relating to passenger transport is notified.

Ireland is the only Member State that has not yet transposed Directive 2001/9/EC of 12 February 2001 adapting to technical progress Council Directive 96/96/EC on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers. The Commission issued a reasoned opinion on 19 December 2002. Six Member States are behind schedule in transposing Parliament and Council Directive 2000/30/CE on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community, which was due for transposal on 9 August 2002.

Regarding driving licences, there is still serious concern about the proper transposal of Directive 91/439/CEE in certain Member State, in particular France, Spain and the Netherlands. The problems that recur in citizens' complaints cover national provisions relating to the minimum age for a vehicle category, renewal of licences for EU citizens no longer residing in the Member States of issue, the criteria for vehicles used for tests, the duration of the practical test, and minimum requirements in terms of aptitude.

2.6.4. *Inland waterways*

All the Commission's infringement proceedings against Finland for failure to transpose the inland waterways directives⁶⁷ have been terminated, as transposal measures have now been notified. France has complied with the judgment given by the Court of Justice on 20 September 2001⁶⁸ by notifying the Decree of 29 August 2002 on the crewing and control of inland waterway vessels.

2.6.5. *Safety in the transport of dangerous goods by road and rail*

In recent years there were serious delays in the transposal of directives⁶⁹ relating to safety in the transport of dangerous goods by road and rail. Several proceedings were opened, and the Court has given judgment against Italy and Ireland. There was spectacular progress in 2002, since only one proceeding is still in motion, against Luxembourg, for failure to transpose Directive 2001/26/CE.⁷⁰ But the Commission has still not received all the national measures transposing Directives 2001/6/EC and 2001/7/EC, which were due for transposal by 31 December 2002. Council Directives 1999/36/EC of 29 April 1999 and 2001/2/CE on transportable pressure equipment were due for transposal on 1 July 2001, and on 19 December 2002 the Commission decided to refer its case against Ireland for failure to transpose to the Court of Justice.

2.6.6. *Rail transport*

The situation regarding Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system, the aim of which is to promote interconnection

⁶⁷ Directive 96/50/EC; Directive 91/672/EEC; Directive 87/540/EEC; Directive 82/714/EEC; and Directive 76/135/EEC.

⁶⁸ Case C-2000/468 *Commission v France* [2001] ECR I-6337 (judgment given on 20.9.2001).

⁶⁹ Directive 94/55/EC; Directive 95/50/EC; Directive 96/49/EC; Directive 96/86/EC; Directive 96/87/EC; Directive 99/47/EC; Directive 99/48/EC; and Directive 2001/26/EC.

⁷⁰ Reasoned opinion sent on 27.6..2002.

and interoperability of national high-speed rail systems at the various stages of design, construction and entry into service and also of operation and network access, was fully put right in 2002, since all the Member States have now notified the Commission of transposal measures, the Court of Justice having found against the United Kingdom on 30 May 2002.⁷¹

2.6.7. *Air transport*

All the air transport directives have been transposed by the Member States, except that Ireland has still to transpose Directives 98/20/EC and 1999/28/EC limiting the use of certain types of civilian subsonic jet aircraft. On 15 October 2002 the Court of Justice gave judgment finding that Ireland had failed to fulfil its obligations in relation to these two directives.⁷²

The Commission referred to the Court of Justice its cases against Germany and Italy concerning the application of Directive 96/67/EC on access to the groundhandling market at Community airports. The infringements noted in connection with airport taxes also continued. The imposition of varying rates of tax by Member States depending on passenger destinations (internal flights/intra-Community and/or international routes) is incompatible with the principle of freedom to provide services stipulated in the field of air transport by Regulation (EEC) No 2408/92 and with EU citizens' freedom of movement under Article 18 of the Treaty. Proceedings against the Netherlands and Portugal continue, but the case against Italy has been terminated.

On 5 November 2002 the Court of Justice gave judgment in the cases relating to the bilateral "open-skies" agreements between eight Member States (Belgium, Denmark, Germany, Finland, Luxembourg, Austria, Sweden and United Kingdom) and the United States.⁷³ It held that these agreements were not in conformity with Community law and violated the Community's exclusive powers of external action.

2.6.8. *Maritime transport*

The Commission observes an improvement in the rate of transposal of maritime safety directives, as all those due for transposal on 30 June 2002 have been transposed in all the Member States. All the proceedings for failure to notify measures transposing the directives on a system of mandatory surveys for the safe operation of regular ro-ro ferry

⁷¹ Case C-2000/441 *Commission v United Kingdom* [2002] ECR I-4699 (judgment given on 30.5.2002).

⁷² Cases C-2001/327 and C-2001/328 *Commission v Ireland* [2002] ECR I-8817 (judgment given on 15.10.2002).

⁷³ Case C-1998/466 *Commission v United Kingdom* [2002] ECR I-0000 (judgment given on 5.11.2002). Case C-1998/467 *Commission v Denmark* [2002] ECR I-0000 (judgment given on 5.11.2002). Case C-1998/468 *Commission v Sweden* [2002] ECR I-0000 (judgment given on 5.11.2002). Case C-1998/469 *Commission v Finland* [2002] ECR I-0000 (judgment given on 5.11.2002). Case C-1998/471 *Commission v Belgium* [2002] ECR I-0000 (judgment given on 5.11.2002). Case C-1998/472 *Commission v Luxembourg* [2002] ECR I-0000 (judgment given on 5.11.2002). Case C-1998/475 *Commission v Austria* [2002] ECR I-0000 (judgment given on 5.11.2002). Case C-1998/476 *Commission v Germany* [2002] ECR I-0000 (judgment given on 5.11.2002).

and high-speed passenger craft services,⁷⁴ port State control⁷⁵ and safety rules and standards for passenger ships⁷⁶ have accordingly been terminated.

Unfortunately the delays persist with regard to the four directives falling due in the second half of 2002.⁷⁷

Regarding the application of Directive 95/21/EC (port State control), which harmonises the enforcement of international standards for ship safety, conditions for immobilisation and/or refusal to allow access to Community ports, the Commission decided to refer proceedings against France and Ireland to the Court of Justice⁷⁸ for incorrect application of the directive in the form of failure to comply with the obligation to inspect at least 25% of vessels flying foreign flags that land at their ports or navigate in waters under their jurisdiction.

Compliance with Community legislation on registration of ships and the grant of flag rights continues to pose difficulties in the Netherlands, where the conditions for entry of vessels in the shipping register and the grant of national flag rights remain discriminatory. Infringement proceedings are in motion in the Court of Justice.⁷⁹

Regarding the right of establishment, the Commission withdrew the action against Italy⁸⁰ for failure of its national legislation laying down the conditions in which shipping companies established in another Member State can enjoy the same treatment as Italian companies for admission to the Italian liner conference quota to comply with Articles 43 and 48 of the Treaty, following amendment of the Italian legislation as required by the Commission.

As for the principle of freedom to provide services, secured by Regulation (EEC) No 4055/86 as regards cargo sharing agreements between Member States and third countries, the proceedings against Portugal were terminated following its denunciation of the Protocol with Yugoslavia, as were the proceedings concerning the agreements between Belgium and Zaïre, Côte d'Ivoire, Senegal and Mali. The proceedings concerning the cargo sharing agreements between Belgium and Togo and between Italy and China continued.

The Commission was also attentive to the application of Regulation (EEC) No 4055/86 as regards possible nationality discrimination between operators or types of transport used and the resultant potential barriers. Following amendments to national legislation, one of the infringement proceedings concerning discriminatory dock dues (which vary according to a vessel's port of destination, with lower amounts for transport between two ports in the same country than for international transport) was closed (Greece), and another on the same subject may also be on the way to settlement (Italy).

⁷⁴ Directive 99/35/EC.

⁷⁵ Directive 99/97/EC.

⁷⁶ Directive 98/18/EC and Directive 98/41/EC.

⁷⁷ Directive 2001/53/EC; Directive 99/95/EC; Directive 2002/25/EC; and Directive 2000/59/EC.

⁷⁸ Cases C-2002/439 and C-2002/436.

⁷⁹ Case C-2002/299.

⁸⁰ Case C-2002/337.

As regards maritime cabotage, proceedings have been taken against several Member States (Spain, Denmark, Portugal and Germany) for maintaining or adopting national regulations in contravention of Regulation (EEC) No 3577/92, which provides for maritime cabotage to be opened up to Community shipowners operating ships registered in and flying the flag of a Member State.

And the Commission opened infringement proceedings against Member States that signed a statement of principle with the United States in the context of the Container Security Initiative. These agreements provide for a pilot stage during which the proposed project will operate only in certain clearly identified ports in these Member States. This discretionary selection of a few ports raises a real problem of competitiveness between European ports. It could cause deflection of traffic towards the selected ports consequently engender serious forms of disequilibrium, incompatible with the common transport policy.

2.7. INFORMATION SOCIETY

Following liberalisation in 1998, competition in European telecommunications markets has driven growth and innovation and the widespread availability of services to the public.

As mentioned in the last report, the Lisbon European Council was a landmark for the converging European electronic communications sector. The Heads of State and of Government stamped their authority on the shift to a digital, knowledge-based economy for Europe, subsequently embodied in the *eEurope Action Plan*⁸¹.

The Parliament and Council adopted in March 2002 the new package of sector specific regulation designed for more competitive markets and converging electronic communications technologies⁸². The new framework links the imposition of regulatory obligations to the absence of effective competition. The new regulatory environment will enable regulators to focus their powers to promote competition, protect the citizen and consolidate the single market, while taking account of the need for innovation and the long-term sustainability of the sector.

The Commission believes as a general principle that a successful transition to the new framework depends on the full implementation of the current framework, including universal service and consumer protection measures.

As regards transposition of this framework, consisting of thirteen Directives, one Regulation and four Decisions, the Eighth Report on the Implementation of the Telecommunications Regulatory Package⁸³ states that after four and a half years of

⁸¹ For further information see: http://europa.eu.int/information_society/eeurope/index_en.htm.

⁸² These are Directive 2002/21/EC (Framework Directive); Directive 2002/20/EC (Authorisation Directive); Directive 2002/19/EC (Access Directive); and Directive 2002/22/EC (Universal Service Directive). Directive 2002/58/EC on privacy and electronic communications has been adopted in July 2002. The Radio Spectrum Decision (676/2002/EC) does not require transposition by Member States. See also:

⁸³ http://europa.eu.int/information_society/topics/telecoms/regulatory/new_rf/index_en.htm. COM(2002) 695 of 3 December 2002, electronically available at http://europa.eu.int/information_society/topics/telecoms/implementation/annual_report/8threport/index_en.htm.

liberalisation of telecoms services, the regulation put in place at national level is very substantially compliant with the EU framework. Licensing and interconnection regimes have permitted large-scale market entry, complemented by carrier pre-selection and number portability; delivery times for leased lines have continued to fall; and progress has been made in developing appropriate costing methodologies for the enforcement of EU tariff principles. The work done in this regard represents a substantial achievement by national regulatory authorities.

In particular, all Member States have now effectively implemented the UMTS Decision⁸⁴, since 3G licences have been awarded in all Member States, assigning frequencies allocated to 3G in accordance with the relevant ERC Decisions⁸⁵, which in turn were adopted as a result of mandates given to the CEPT under the UMTS Decision⁸⁶.

The largely positive balance is confirmed by reference to the infringement proceedings currently open, which indicate only two areas, cost accounting and universal directory services, where full compliance needs to be ensured in more than a few Member States. For the rest, the cases still pending represent clarification of points of relative detail.

Accordingly, a significant number of closures of cases (38) or withdrawal of Court proceedings (two) was decided in 2002 as a result of improvements in implementation in the Member States. The most notable relates to the implementation of Regulation 2887/2000 on unbundled access to the local loop⁸⁷ in eight Member States, following action taken by the Commission⁸⁸. One case concerns the implementation of Decision 710/97⁸⁹. Fifteen closures concern incorrect application issues, including four complaints. Seven non-conformity cases were closed and one withdrawn after action was taken before the Court (C-70/02). With regard to non-communication cases, three proceedings, concerning Directive 95/47/EC (TV Signals) and Directive 97/66/EC (Data Protection in Telecommunications), were closed following notification of transposition measures in order to comply with the Court's judgment for failure of transposition (C-319/99, C-151/00 and C-254/00); one further proceeding concerning Directive 97/66/EC was withdrawn after action was taken before the Court (C-267/02). Finally, three non-communication cases were closed following notification of transposition measures for Directive 1999/93/EC (Electronic Signature) by Ireland, Italy and United Kingdom.

⁸⁴ Decision 128/1999/EC of the European Parliament and of the Council of 14 December 1998 on the co-ordinated introduction of a third-generation mobile and wireless communications system (UMTS) in the Community (OJ L 17, 22.1.1999, p. 1).

⁸⁵ ERC Decisions ERC(97) 07 (UMTS frequency bands); ERC(00) 01 (extending UMTS bands); and ERC(99) 25 (harmonised use).

⁸⁶ A more detailed report on the implementation of the UMTS Decision in the Member States can be found in Annex 2 to the Eighth Implementation Report: http://europa.eu.int/information_society/topics/telecoms/implementation/annual_report/8threport/finalreport/annex2.pdf. See also the Commission Communications on "The Introduction of Third Generation Mobile Communications in the European Union: State of Play and the Way Forward", COM(2001) 141 of 20 March 2001; and "Towards the full Roll-out of Third Generation Mobile Communications", COM(2002) 301 of 11 June 2002.

⁸⁷ OJ L 336, 30/12/2000, p. 4

⁸⁸ See IP/02/445.

⁸⁹ Decision No 710/97/EC of the European Parliament and of the Council of 24 March 1997 on a coordinated authorization approach in the field of satellite personal-communication services in the Community (S-PCS), OJ L 105, 23/04/1997, p. 4.

On the other hand, the Commission referred five cases to the Court in 2002. These concerned lack of transposition of Directive 97/66/EC in Luxembourg (two proceedings joined under C-211/02) and incomplete transposition of the same Directive in the Netherlands (C-350/02), failure to implement itemised billing in conformity with Directive 98/10/EC (Voice Telephony) in Austria (C-411/02) and failure to ensure the provision of local carrier pre-selection in compliance with Directive 98/61 (Numbering) in Germany (C-401/02).

During the reporting period, the Court gave further judgments in two cases concerning non-transposition of Directive 98/10/EC in France (C-286/01) and non-conformity of the national legislation with Directive 97/33/EC (Interconnection) in Belgium (C-221/01), the latter providing for substantive clarifications with regard to various provisions of this Directive. Due to the increasing importance of judgments in this sector, DG INFSO has recently updated the “*Guide to the Case Law of the European Court of Justice in the field of Telecommunications*” published on its website⁹⁰.

At the end of 2002 there were 62 ongoing infringement proceedings. Twenty of these were complaints under examination at that time, which means an increase of 66% compared to last year; three proceedings concerned the lack of implementation of a Regulation. The number of proceedings for non-communication of transposition measures for a Directive halved, with seven cases pending, while the importance of non-conformity cases (11) and proceedings concerning incorrect application of transposition measures (21) still remains high, although the number of cases has also decreased significantly compared to last year (more than 33% each).

In five infringement proceedings (three for failure to notify, one for non-conformity, one for incorrect application), the Commission’s decision to refer the case to the Court of Justice was still awaiting execution at the end of the reporting year, while a significant number of 14 cases (a more than 50% increase compared to 2001) has reached the reasoned opinion stage (10 of which for incorrect application and four for non-conformity); in 11 pending cases a letter of formal notice was sent in 2002.

The directives making up the main elements of the new regulatory framework for electronic communications networks and services are required to be transposed into national law not later than 24 July 2003. The new framework also provides that Member States shall apply those national transposition measures from 25 July 2003⁹¹, whereupon the Community instruments forming part of the existing regulatory framework which are to be superseded by those elements of the new framework will be repealed⁹².

As stated above, the Commission now regards it as a priority to encourage timely transition to the new framework. In addition to providing the legal predictability and regulatory flexibility necessary for continued investment in the sector, this will complement the eEurope objective of achieving competitive local access for internet services over broadband networks as cheaply as possible on a sustainable basis.

⁹⁰http://europa.eu.int/information_society/topics/telecoms/implementation/infringement/doc/guidecaselaw.pdf

⁹¹ See for example Article 28 Framework Directive. Member States have until 31 October 2003 to transpose the requirements of Directive 2002/58/EC on privacy and electronic communications into national law.

⁹² See Article 26 Framework Directive.

2.8. ENVIRONMENT

2.8.1. Introduction

The last five years have seen a growing difficulty in the timely and correct implementation as well as proper practical application of EC environmental legislation. This is reflected in the growing number of complaints received and infringement cases opened by the Commission every year. As in the earlier years, in 2002 the environment sector covered over one third of all infringement cases investigated by the Commission. The Commission brought 65 cases against Member States before the Court of Justice and issued 137 reasoned opinions on the basis of Article 226 of the EC Treaty.

The number of new complaints, which mainly refer to presumed instances of *bad application* of EC environmental law, remains at the high level experienced after 1996 when the Commission adopted the Communication “Implementing EC environmental law”⁹³. In 2002, 555 new complaints alleging breach of Community environmental law were lodged with the Commission. A considerable number of these complaints give also rise to written questions and petitions in the European Parliament.

The Article 228 procedure, which may lead to a pecuniary sanction, has continued to serve as a last resort to force Member States to comply with the judgments delivered by the European Court of Justice. The Commission annually issues several (17 in 2002) letters of formal notice and reasoned opinions (8 in 2002) under Article 228 to Member States. No new cases under Article 228 were brought to the Court during 2002. More details are given in Annex V to this report.

It is essential that the implementation of environmental legislation by Member States be improved. However, seeking improved implementation by taking Member States to the European Court of Justice is not the only, nor often the most efficient way to resolve the current problem. A substantial improvement will require efforts by the Commission to develop new working methods with Member States at all stages of the implementation life cycle. This is particularly relevant in the build up to enlargement to ensure that new Member States transpose and implement correctly the “*acquis communautaire*” within the agreed timeframes.

In line with the Communication on better monitoring of application of Community law⁹⁴, the Commission is already taking a number of practical steps to assist Member States in the implementation of EC environmental legislation:

1. The Commission strives to anticipate implementation problems when it is designing Community environmental legislation which has to be drafted in a way to make it “enforcement friendly”. When the legislation has been adopted, the use of guidelines and interpretative texts agreed by the Commission and the Member States can be helpful. For example, the

⁹³ COM(96)500 final, 22.10.1996.

⁹⁴ COM(2002)725 final, 13.12.2002.

Commission publishes reference documents on best available techniques under Council Directive 96/61 on the integrated pollution and prevention control. These documents are prepared with active involvement of authorities, industries concerned and other stakeholders. Another example is the Water Framework Directive⁹⁵ 2000/60/EC, where the Commission in partnership with the Member States has started a support process for the implementation immediately after the adoption of the Directive. Such a common implementation strategy is one example on how good governance can work in practice.

2. In order to increase efficiency and enhance effectiveness of implementation of environmental legislation, there is a need to apply pro-active measures by bilateral contacts and meetings between the Commission and Member States. Several seminars were held in 2002 at some Member States where the Commission's views on the correct implementation of particularly complex environmental directives was explained to the competent authorities with a view to prevent, rather than correct, instances of bad application. This approach has been confirmed by the Commission in its above mentioned Communication on better monitoring of application of Community law.
3. Information exchange between implementing authorities is a key to improving implementation. The informal EU network for the Implementation of Environmental Law (IMPEL) consisting of the Commission and the Member States has been since its inception in 1992, a key instrument to discuss the stage of practical application of existing legislation. In order to improve the environmental standards of inspection, the Commission follows up closely the implementation of the Recommendation of the European Parliament and the Council on Minimum Criteria for Environmental Inspections (2001/331/EC).

In addition, the following measures are expected to give incentives to Member States to the better implementation of EC environmental legislation:

4. Programmes and projects can only be funded if they comply with Community policies and instruments including those for environment and sustainable development. In this way Structural Funds can be a lever for implementation of EC environmental legislation.
5. There is a need to improve transparency and awareness on the state of implementation of EC environmental legislation. The Third Annual Survey on the implementation and enforcement of Community environmental law⁹⁶ includes a Scoreboard, which details the implementation record of each Member State in each sector of the environment. The Commission has organised "Name, Shame and Fame" events during 2000-2002 to provide information on the implementation performance of Member States.

⁹⁵ OJ L 327, 22.12.2000, p.1

⁹⁶ Commission staff working paper, SEC(2002) 1041, 1.10.2002.

6. Effective reporting from Member States on implementation of environmental is key to monitoring the implementation process. The Commission is presently reviewing the current system of environmental reporting. One of the objectives is to ensure more coherent and effective reporting on implementation of environmental legislation.
7. The relatively high number of complaints received by the Commission reflects the non-existence and/or the relative lack of efficiency of complaint mechanisms in Member States. The Commission is preparing measures on the Community level concerning the possibility of creating cheaper and more efficient access to justice at Member State level in line with the Århus Convention⁹⁷, as well as the establishment of reliable national/regional complaint mechanisms and arbitration schemes to solve problems of practical application on the ground.
8. The Commission adopted a proposal for a Directive on environmental liability with regard to the prevention and remedying of environmental damage. The proposed Directive should contribute to the better implementation of EC environmental legislation, acting as a disincentive to pollution.
9. Non-observance of environmental law shows that the sanctions currently established by the Member States are not sufficient to achieve full compliance with Community law. The Commission has proposed a Directive that requires the Member States to provide for criminal sanctions because only this type of measure seems adequate and dissuasive enough to achieve proper implementation of environmental law⁹⁸.

2.8.2. *Freedom of access to information*

As regards Directive 90/313/EEC on freedom of access to information on the environment, the Commission dealt with two *non-conformity* cases during 2002. The Commission continued court proceedings against France (Case C-233/00), since the French measures did not ensure formal, explicit and correct transposition of several aspects of the Directive, including the obligation to provide a formal explanation of refusal of access to the information. On the other hand, court proceedings against Austria (Case C-86/01) were withdrawn after that Member State had communicated the necessary transposition measures for the Land Styria.

Among the most common subjects of complaint brought to the Commission's notice relating to this Directive are: refusal by national authorities to provide the information requested, slowness of response, excessively broad interpretation by

⁹⁷ UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

⁹⁸ Amended proposal for a Directive of the European Parliament and of the Council on the Protection of the Environment through Criminal Law, OJ C 20 E, 28.1.2003, p.284. See also Council Framework Decision 2003/80/JHA of 27 January 2003 on the protection of the environment through criminal law OJ L 029 , 5.2.2003, p.55.

national government departments of the exceptions to the principle of disclosure, and unreasonably high charges. Directive 90/313/EEC contains a requirement for Member States to put in place national remedies against the improper rejection or ignoring of requests for access to information or an unsatisfactory response by the authorities to such requests. When the Commission receives complaints about such cases, it normally advises the aggrieved parties to use the national channels of appeal established to allow the Directive's aims to be achieved in practice.

On 16 and 18 November 2002, Parliament and Council adopted a new directive on public access to environmental information. This Directive will replace the Directive 90/313/EEC, correct the perceived shortcomings in its application in practice and bring it into line with developments in information and communications technology. It will in particular include information on genetically modified organisms as far as they are relevant for the contamination of the food chain. This issue was addressed in a preliminary reference to the Court of Justice where Advocate-General Tizzano has advised the Court that such information should not be considered environmental information under Directive 90/313/EEC (Opinion of 5 December 2002 in case C-316/01).

2.8.3. *Environmental impact assessment*

Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 97/11/EC, is one of the prime legal instruments for general environmental matters. The Directive requires environmental issues to be taken into account in many decisions which have a general impact.

The deadline for transposition of Directive 97/11/EC which amends Directive 85/337/EEC was 14 March 1999. During 2002, the Court condemned the remaining three Member States who still have not brought into force, within the prescribed period, the legislation necessary to comply with Directive 97/11/EC (Case C-366/00 concerning Luxembourg, Case C-319/01 concerning Belgium and Case C-348/01 concerning France). The *non-communication* case against Greece (Case C-374/00) could be withdrawn from the Court after that Member State had communicated the necessary legislation.

Problems with the *conformity* of national measures with Directive 85/337/EEC have persisted. Most notably, the Commission decided to bring Ireland to the Court under Article 228 of the Treaty for not complying with the prior judgment as regards proper transposition of Article 4(2) relating to projects falling within points 1(d) and 2(a) of Annex II to Directive 85/337/EEC, and only partly transposing Article 2(3), (5) and (7) (Case C-392/96). The Court condemned Spain for failing to adopt legislation to comply with Articles 2(1) and 4(2), in conjunction with Annex II, of the Directive (Case C-474/99). An overview of the stage reached in other *non-conformity* cases is given in Annex IV, Part 3.

As already mentioned in previous Reports on Monitoring of the Application of Community Law, many complaints received by the Commission as well as oral and written questions tabled by the European Parliament and a large number of petitions presented to Parliament relate, at least incidentally, to alleged instances of *incorrect*

application by Member States' authorities of Directive 85/337/EEC, in particular in cases concerning projects of the types listed in Annex II to the Directive (see Annex IV, Part 4). These complaints often require the examination of whether Member States have exceeded their margin of discretion in deciding whether or not such projects should be subject to an environmental impact assessment. As regards complaints about the quality of impact assessments and the lack of weight given to them, it is extremely difficult for the Commission to assess these cases. The basically formal nature of the Directive provides only a limited basis for contesting the merits of such assessments and the choice taken by the national authorities if they have complied with the procedure laid down by the Directive. Most of the cases brought to Commission's attention concerning incorrect application of this Directive revolve around points of fact where the most effective evaluation should rather be ensured at a decentralised level, particularly through the competent national administrative and judicial bodies.

Directive 2001/42/EC of the European Parliament and of the Council was adopted on 27 June 2001⁹⁹. Member States must bring into force the national rules necessary to comply with this Directive before 21 July 2004. Where Directive 85/337/EEC, which is a new "strategic environmental assessment" Directive of a procedural nature, applies to projects, the aim is to ensure that an environmental assessment is carried out for certain plans and programmes which are likely to have significant effects on the environment.

2.8.4. *Air*

Council Directive 96/62/EC on ambient air quality assessment and management forms the basis for a series of Community instruments to set new limit values for atmospheric pollutants, starting with those already covered by existing directives, lay down information and alert thresholds, harmonise air quality assessment methods and improve air quality management in order to protect human health and ecosystems.

Apart from its Article 3, the Directive had to be transposed by 19 July 2001. During 2002, the Commission was able to close all infringement procedures opened for *non-communication* of national implementing measures for those articles.

A relatively big amount legislation has been adopted in the air sector recently. Nine Directives¹⁰⁰ were to be transposed by Member States during 2001 and

⁹⁹ OJ L 197, 21.7.2001, p. 30.

¹⁰⁰ Directive 1998/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC, Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations, Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air, Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC, Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars, Directive 2000/69/EC of the European Parliament and of the Council of 16 November 2000 relating to limit values for benzene and carbon monoxide in ambient air, Commission Directive 2001/63/EC of 17 August 2001 adapting to technical progress Directive 97/68/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against

2002. Infringement cases concerning *non-communication* of national implementing measures under these directives are listed in Annex IV, Part 2.

During 2002, the Commission also opened a number of horizontal infringement proceedings for failure to report information on progress made in controlling substances that damage the ozone layer¹⁰¹.

Infringement action was taken due to problems of non-conformity in the air sector in a small number of cases (see Annex IV, Part 3).

2.8.5. *Water*

Monitoring implementation of Community legislation on water quality remains an important part of the Commission's work. This is due to the quantitative and qualitative importance of the responsibilities imposed on the Member States by Community law and by growing public concern about water quality.

In 2002, France replied to the letter of formal notice submitted on the basis of Article 228 of the EC Treaty for non-compliance with the judgment of 8 March 2001 (Case C-266/99). In that judgment, the Court of Justice declared that, by failing to take the necessary measures to ensure that the quality of surface water intended for the abstraction of drinking water conforms to the values laid down pursuant to Article 3 of Directive 75/440/EEC, France has failed to fulfil its obligations under Article 4 of that directive.

With regard to Directive 76/160/EEC concerning the quality of bathing water, monitoring of bathing areas is becoming increasingly common and water quality is improving. Despite this progress, however, proceedings concerning *bad application* are still under way against many Member States since implementation still falls far short of the Directive's requirements. An overview of the stage reached in infringement proceedings in these cases is given in Annex IV, Part 4. Most notably, by judgment of 19 March 2002, the Court condemned the Netherlands (Case C-268/00) for failing to fulfil its obligations as regards the quality of bathing water and the frequency of sampling thereof within the periods prescribed by the Directive. During 2002, the Commission also took several decisions under Article 228 for non-compliance with recent judgments of the Court concerning the bathing water quality (cases concerning Germany, Belgium and Sweden).

More information concerning the compliance with the parameters of water quality and sampling frequency of Directive 76/160/EEC is also provided by the annual reports on the quality of bathing water (see www.europa.eu.int/water/water-bathing/report).

the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery, Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants, Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants.

¹⁰¹ Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer, OJ L 244 , 29.9.2000, p. 1.

The Commission has continued proceedings under Article 228 against a number Member States for not complying with earlier judgments of the Court over their *bad application* of Directive 76/464/EEC on dangerous substances discharged into the aquatic environment and of the directives setting levels for individual substances, particularly concerning adoption of programmes under Article 7 of the Directive. However, some cases could also be closed during 2002 since some Member States complied with the earlier judgments of the Court. An overview of the stage reached in on-going infringement proceedings is given in Annex IV, Part 4.

Further to the presentation of a guidance document on this issue in 2000, the Commission focused on supporting the implementation of the existing Directive 76/464/EEC and in particular Article 7 on the pollution reduction programmes and the transition to Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy¹⁰². An implementation report¹⁰³ has been published which built on the guidance document and translated the establishment of pollution reduction programmes into the requirements and approaches of Directive 2000/60/EC. The report found that, first, the infringement procedures improved considerably the compliance with this legislation and thereby improved water quality and, second, the establishment of pollution reduction programmes under 76/464/EEC can be regarded as a building block for the implementation of the Water Framework Directive, in particular the programme of measures under Article 11.

Concerning Directive 80/778/EEC relating to the quality of water intended for human consumption (drinking water), the Commission initiated and continued a small number of infringement cases relating to *bad application* of the Directive, particularly concerning poor quality of drinking water. By judgment of 14 November 2002, the Court condemned Ireland for failure, in its implementing legislation, to reflect the binding character of the requirements of Annex I to the Directive in relation to group water supplies, and for failure to ensure compliance with certain microbiological parameters of Annex I to the Directive (Case C-316/00). An overview of the stage of proceedings reached in these cases is given in Annex IV, Part 4.

Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption, which will replace Directive 80/778/EEC from 2003¹⁰⁴, was due to be transposed into national law by 25 December 2000. The Commission was able to close the most infringement cases for *non-communication* of implementing measures for this Directive, but in three cases (Belgium, Spain and the United Kingdom) the Commission has taken the decision to bring proceeding in the Court (see more closely Annex IV, Part 2).

The Community has two legislative instruments aimed specifically at combating pollution from phosphates and nitrates and the eutrophication they cause.

¹⁰² OJ L 327 , 22.12.2000, p.1.

¹⁰³ The report is available under:

<http://europa.eu.int/comm/environment/water/water-dangersub/article7ofdirective77464eec.pdf>

¹⁰⁴ OJ L 330, 5.12.1998, p. 32.

The first, Directive 91/271/EEC, concerns urban waste-water treatment. Member States are required to ensure that, from 1998, 2000 or 2005, depending on population size, all cities have waste-water collection and treatment systems. Since this Directive plays a fundamental role in the campaign for clean water and against eutrophication, the Commission is particularly eager to ensure that it is implemented on time. During 2002, action in several cases of *bad application* were taken due to insufficient designation of sensitive areas or non-compliance with the requirements for urban waste water treatment. The Commission also sent a letter of formal notice to several Member States for the lack of general implementation report and of information on sensitive areas. An overview of the stage of proceedings reached in these cases is given in Annex IV, Part 4.

The second anti-eutrophication measure is Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources. The Commission has continued to lay great stress on enforcing this Directive. During 2002, the Commission took action over *bad application* of the Directive by a number of Member States concerning lacking or insufficient designation of vulnerable zones as well as the failure to establish action programmes as required by the Directive. Two of these cases were decided by the Court in 2002 (Case C-258/00 against France and Case C-161/00 against Germany). Regrettably, in many cases, the Commission has had to open infringement procedures under Article 228 in order to make Member States to comply with judgments given earlier by the Court. Overview of the stage of proceedings in the above cases is given in Annex IV, Part 4.

Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy¹⁰⁵ is due to be transposed by 22 December 2003. In May 2001, a Common Implementation Strategy¹⁰⁶ was agreed which involves all national, regional and local authorities of Member States, EEA countries, Accession Countries and various stakeholders and NGOs. The strategy includes a large number of joint activities including the development of guidance, the testing of implementation aspects in pilot river basins and the share of knowledge and information. So far, nine guidance documents and several technical reports have emerged from this process¹⁰⁷. In addition, an extensive European implementation network has been established. The process will continue over the coming years.

¹⁰⁵ OJ L 327 , 22.12.2000, p.1.

¹⁰⁶ More information under <http://europa.eu.int/comm/environment/water/water-framework/implementation.html>

¹⁰⁷ More information under <http://forum.europa.eu.int/Members/irc/env/wfd/library>

2.8.6. Nature

The two main legal instruments aimed at protecting nature are Directive 79/409/EEC on the conservation of wild birds and Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

Regarding the transposal of Directive 79/409/EEC, a small number *conformity* problems remain unresolved. In 2002, the Commission had to continue infringement actions against some Member States, notably concerning hunting periods and hunting practices not in line with the Directive.

The deadline for notifying the implementing measures for Directive 92/43/EEC expired in June 1994. In many cases the transposal is still insufficient, particularly concerning Article 6 on the protection of habitats in the special conservation sites which are to be set up, and Articles 12 to 16 on the protection of species. In its judgment of 5 December 2002, the Court held that by failing to adopt all the laws, regulations and administrative measures necessary to ensure the full and proper transposition of several Articles of the Directive, Belgium has failed to fulfil its obligations under the Directive (Case C-324/01).

As in the past, the main problems with the implementation of Directives 79/409/EEC and 92/43/EEC relate to its *bad application*, namely the insufficient classification of special protection areas (SPA) for birds and the insufficient selection of the proposed sites of Community importance (SCI) for habitats for inclusion in the Natura 2000 network, or to the protection of such sites.

Existing SPAs for birds in a number of Member States are still too few in number or cover too small an area. The Commission's strategy revolves around initiating general infringement proceedings, rather than infringement proceedings on a site-by-site basis. By its judgment of 26 November 2002, the Court declared that France has failed to comply with its obligations under Article 4(1) and (2) of Directive 79/409/EEC by not in sufficient measure classifying as special protection areas the territories most suitable for the conservation of the species of wild bird referred to in Annex I to the Directive, and of migratory species, and, in particular, by not classifying a sufficiently large area of the site Plaine des Maures as a special protection area (Case C-202/01). As regards SCI's, the Commission continued infringement proceedings against several Member States whose selection of sites is either not satisfactory or is under assessment subject to the results of biogeographical seminars. In a number of these cases, the Commission had to start infringement proceedings under Article 228 to make the Member States to comply with the earlier judgments of the Commission.

Problems remain concerning the special protection regime under Article 4(4) of Directive 79/409/EEC and Article 6(2) to (4) of Directive 92/43/EEC, e.g. wrongly applying or setting aside the special protection regime in relation to various projects affecting sites. In this respect, infringement actions against a number of Member States had to be taken in the course of 2002. Most notably, by its judgment of 13 June 2002, the Court found that Ireland has breached Article 3 of Directive 79/409/EEC and Article 6(2) of Directive 92/43/EEC by failing to take measures necessary to safeguard a sufficient diversity and area of

habitats for the Red Grouse and by failing to take appropriate steps to avoid, in a certain special protection area (SPA), the deterioration of habitats of the species for which the SPA was designated (Case C-117/00). The case arose as a result of an investigation of complaints about the widespread vegetation loss and erosion caused by the overstocking of sheep on fragile upland habitats in the west of Ireland. This judgment is the first case in which the Court has condemned a Member State for the breach of Article 3 of Directive 79/409/EEC.

During 2002, the Commission continued setting conditions in Structural Funds plans and programmes and rural development programmes requiring Member States to submit outstanding lists for the setting up of the Natura 2000 network in accordance with their obligations under Directives 79/409/EEC and 92/43/EEC.

The Commission has maintained its strict policy with regard to the granting of Community funding for conservation of sites under the LIFE Regulation on sites being integrated or already integrated into the Natura 2000 network. Furthermore, it scrutinises requests for co-financing from the Cohesion Fund very thoroughly for compliance with environmental regulations. The same applies to various pre-accession funding mechanisms concerning the candidate countries.

Problems with the implementation of Directive 92/43/EEC may also arise with regard to the protection, not of designated or nominated sites, but of species. Article 12 of the Directive establishes a strict protection scheme for species under Annex IV (a), from which Member States can derogate only under the conditions laid down in Article 16(1) and (2).

In its judgment of 20 January 2002, the Court held that Greece has breached Article 12(1)(b) and (c) by failing to take, within the prescribed time-limit, the requisite measures to establish and implement an effective system of strict protection for the sea turtle *Caretta caretta* on Zakynthos so as to avoid any disturbance of the species during its breeding period and any activity which might bring about deterioration or destruction of its breeding sites (Case C-103/00). This is the first judgment of the European Court of Justice related to Article 12 of the Directive. It underlines the necessity to establish and implement an effective system of strict protection for species listed in Annex IV (a) and interprets the term 'deliberate'. A similar case against the United Kingdom for its failure to ensure the proper protection of the great crested newt (*Triturus cristatus*) is pending (Case C-434/01).

2.8.7. Noise

Directive 2000/14/EC of the European Parliament and of the Council on the approximation of laws of the Member States relating to noise emission in the environment by equipment for use outdoors¹⁰⁸ was due to be transposed in 3 July 2001. This directive repeals, from 3 January 2002, nine directives concerning different types of equipment. The Commission decided to bring into

¹⁰⁸ OJ L 162, 3.7.2000, p. 1.

the Court three Member States who still had not yet adopted and notified their implementing measures, or had not done so for the whole of their territory. These Member States are Italy, Greece and the United Kingdom as far as Gibraltar is concerned.

2.8.8. *Chemicals and biotechnology*

Community legislation on chemicals and biotechnology covers various groups of directives relating to products or activities which have certain characteristics in common: they are technically complex, require frequent changes to adapt them to new knowledge, apply to both the scientific and industrial spheres and deal with risks for human health and environment.

One of the features of Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances is the frequency with which it has to be amended to keep up with scientific and technical developments. Commission Directive 2001/59/EC adapting Directive 67/548/EEC to technical progress for the 28th time, had to be transposed by 31 July 2002. In this context, Member States are still frequently late in notifying their implementing measures. In such cases, the Commission rigorously commences proceedings for *non-communication* to make Member States meet their obligations.

Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing on the market of biocidal products¹⁰⁹ was due to be transposed by the Member States by no later than 14 May 2000. At the end of 2002, there were still few Member States who had not yet notified their implementing measures, as demonstrated by the *non-communication* proceedings listed under this Directive in Annex IV, Part 2.

Animal experiments are covered by Directive 86/609/EEC on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes. Certain problems with the *conformity* of the Directive persist. The Commission issued a reasoned opinion under Article 228 to Ireland for not complying with the Court's judgment of 18 October 2001, to the effect that Ireland has failed to adopt all the measures necessary to ensure the correct implementation of Articles 2(d), 11 and 12 of the Directive as well as to provide for an adequate system of penalties for non-compliance with the requirements of the Directive (Case C-354/99). In its judgment of 12 September 2002, the Court found that France had not correctly transposed Articles 4, 7(3), 11, 12(2), 18(1) and (3) and 22(1) of the Directive (Case C-152/00). The Advocate-General proposed in his Opinion of 26 September 2002 that the Court declares that the Netherlands has not transposed Article 11 and 22(1) of the Directive (Case C-205/01). Infringement actions against Spain and Belgium for *bad application* of the Directive were continued.

¹⁰⁹ OJ L 123, 24.4.1998, p. 1.

A new Directive revising the original framework for regulating the release of GMOs in the Community¹¹⁰ had to be transposed into national law by 17 October 2002. The original regulatory framework, which was established by the 1990 Directive¹¹¹, was established in response to concerns that the release of GMOs might lead to irreversible damage to the environment. A 1996 review identified several aspects of the original framework that needed clarification and improvement. As a result, Directive 90/220/EEC was revised and replaced by Directive 2001/18/EC. The revised Directive maintains the structure of the old directive, but improves the strictness and transparency of the provisions, notably creating a more effective and efficient authorisation procedure. Infringement cases for *non-communication* of transposal measures were opened against fourteen Member States who had failed to meet the deadline of 17 October 2002.

2.8.9. Waste

The Waste Framework Directive (Directive 75/442/EEC, as amended by Directive 91/156/EEC), requires that prior authorisation be obtained for waste-disposal and waste-recovery sites; in the case of waste-disposal, the authorisation must lay down conditions to contain the environmental impact. Member States still have problems in fully and correctly implementing its provisions into national law. An overview of the stage of proceedings reached in these cases is given in Annex IV, Part 3.

In 2002, the Commission took a number of infringement actions involving *bad application* of the Waste Framework Directive. Most of the implementation difficulties concern the application of the Waste Framework Directive to specific installations. This is at the root of the large number of complaints primarily concerned with local waste dumping problems (illegal landfills and/or uncontrolled treatment of waste, non-existent or insufficient environmental impact assessments, uncontrolled dumps, controversial siting of planned controlled tips, mismanagement of lawful tips, water pollution caused by directly discharged waste). The Commission uses individual cases to detect more general problems concerning incorrect application of Community law, such as the absence or inadequacy of waste management plans, based on the assumption that an illegal dump may provide evidence of an unsatisfied need for waste management.

Another category of *bad application* of the waste legislation are cases concerning inadequate waste planning. They cover a range of failings, relating variously to plans as required by Article 7 of the Waste Framework Directive, plans for management of dangerous waste as required by Article 6 of Directive 91/689/EEC, and special plans for packaging waste, as required by Article 14 of Directive 94/62/EC. During 2002, the Court condemned three Member States for having breached Article 7(1) of the Waste Framework Directive, Article 6(1)

¹¹⁰ Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC.

¹¹¹ Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms.

of Directive 91/689/EEC and Article 14 of Directive 94/62/EC for insufficient waste management plans¹¹². The Commission is following-up these cases under Article 228 in order to ensure compliance with the Court judgments.

The case-law on the definition of waste under the Waste Framework Directive was confirmed and further developed by the preliminary ruling given by the Court in 18 April 2002 (Case C-9/00 Palin Granit). The Court held that the holder of leftover stone resulting from stone quarrying which is stored for an indefinite length of time to await possible use discards or intends to discard that leftover stone, which is accordingly to be classified as waste within the meaning of the Directive. The place of storage of leftover stone, its composition and the fact, even if proven, that the stone does not pose any real risk to human health or the environment are not relevant criteria for determining whether the stone is to be regarded as waste.

Directive 1999/31/EC on the landfill of waste¹¹³ clarifies the legal framework in which landfill sites are authorised in the Member States. This Directive was to be transposed by 16 July 2001. For landfills coming into operation after, as well as those existing on, this date, requirements have been tightened by this Directive. By the end of 2002, several Member States still had not adopted and communicated their transposal measures to the Commission and the Commission had to start court proceedings. Stage of the infringement proceedings for *non-communication* of these measures are listed in Annex IV, Part 2.

Regarding Directive 91/689/EEC on hazardous waste, Member States still had problems in transposing the national legislation correctly. An overview of the stage of proceedings reached in these cases is given in Annex IV, Part 3. As regards the application of the Directive, the Commission had commenced infringement proceedings in 1998 against a number of Member States which had failed to provide the Commission with particular information required in relation to establishments or undertakings carrying out disposal and/or recovery of hazardous waste. In its judgment of 13 June 2002, the Court found that Greece has failed to send to the Commission, within the prescribed period, all the information required under Article 8(3) of the Directive (Case C-33/01).

Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles had to be transposed by Member States by 21 April 2002. By the end of 2002, the Commission had *non-communication* cases open against ten Member States who had not adopted and communicated their transposal measures to the Commission.

Regarding Directive 75/439/EEC on the disposal of waste oils, the Commission had opened in 2001 infringement proceedings against 11 Member States for the *non-conformity* and/or *bad application* of national legislation with several Articles of the Directive, particularly regarding the obligation to give priority to the processing of waste oils by regeneration, provided that technical, economic

¹¹² Case C-292/99 concerning France, Case C-35/00 concerning the United Kingdom and Case C-466/99 concerning Italy.

¹¹³ OJ L 182, 16.7.1999, p. 1.

and organisational constraints so allowed. During 2002, the Commission continued infringement proceedings against France, Belgium, Ireland, the Netherlands, Finland, Denmark, and Sweden and decided to open court proceedings against Austria, Greece, the United Kingdom and Portugal.

With regard to the disposal of PCBs and PCTs, two particularly dangerous substances, Directive 96/59/EC stipulates that Member States shall draw up, within three years of its adoption, namely by 16 September 1999, plans for the decontamination and/or disposal of inventoried equipment and PCBs contained therein and outlines for the collection and subsequent disposal of certain equipment under Article 11 of the Directive, as well as inventories under Article 4(1) of the Directive. However, many Member States have still not communicated to the Commission the necessary measures. Thus, in 2002 the Court gave judgments against several Member States for the absence of the above information (Case C-174/01 concerning Luxembourg, Case C-46/01 concerning Italy, Case C-177/01 concerning France and Case C-47/01 concerning Spain). Other similar on-going cases of *bad application* are listed in Annex IV, Part 4.

As regards Directive 94/62/EC on packaging and packaging waste, two particular developments merit attention. The Commission continued the court action (Case C-463/01) against Germany concerning its packaging Ordinance (commonly referred to as the 'Töpfer' Ordinance), which promotes the re-use of packaging materials since the reuse quota as set up by the German Ordinance amounts to a barrier to trade and indirect discrimination of imported natural mineral waters to be filled at source. On the other hand, the Commission was able to withdraw the case opened earlier against Denmark (Case C-246/99) in relation to Denmark's so-called 'Can Ban', i.e. Danish legislation which bans the marketing of beer and carbonated drinks in metal cans and other types of non-reusable packaging. This was because Denmark repealed the legislation at issue.

2.8.10. *Environment and industry*

Directive 96/61/EC concerning integrated pollution prevention and control (IPPC), adopted on 24 September 1996, was due to be implemented by 30 October 1999. In the course of 2002, proceedings for *non-communication* of the transposition measures to the Commission still had to be continued against a few Member States. In 2002, the Court gave judgments against Spain, Greece and the United Kingdom for failure to adopt the laws, regulations and administrative measures necessary in order to comply with the Directive. Reasoned opinions were issued for Finland, Sweden and Austria for non-conformity of certain aspects of their national legislation with the Directive.

Directive 96/82/EC ("Seveso II"), replacing Directive 82/501/EEC from 3 February 2001 ("Seveso I"), was due to be transposed by no later than 3 February 1999. The notification of implementing measures by few Member States is still incomplete, particularly as regards Articles 11 and 12 of the Directive. Infringement cases concerning non-communication under this Directive are listed in Annex IV, Part 2.

2.8.11. *Radiation protection*

Council Directive 96/29/Euratom, laying down basic safety standards for the health protection of the general public and workers against the dangers of ionising radiation (OJ L 159, 29.6.1996, p. 1), and Council Directive 97/43/Euratom on health protection of individuals against dangers of ionising radiation in relation to medical exposure (OJ L 180, 9.7.1997, p. 22), were to be transposed by May 2000. In December 2002, a majority of Member States had adopted transposing measures for both Directives, while some provisions were still missing in the United Kingdom and Denmark (for Directive 96/29) and in France (for both Directives).

In 2002 the Commission received 5 submissions of national draft legislation under Article 33 of the Euratom Treaty (1 concerning Directive 92/3 on shipments of radioactive waste and 4 for transposing measures of the 2 Directives mentioned above). No formal recommendation was issued.

In accordance to Article 35 of the Euratom Treaty, the Commission carried out one verification in Portugal in order to check the facilities necessary for the continuous monitoring of the environmental level of radioactivity.

In 2002 the Commission received 9 submissions of general data relating to plans for the disposal of radioactive waste, under Article 37 of the Euratom Treaty, so that it could assess the data and determine whether the implementation of the plans was able to cause radioactive contamination of the water, soil or airspace of another Member State. The Commission issued 17 opinions.

The Commission dealt with a number of infringement procedures under Article 141 of the Euratom Treaty. It opened four new own initiative cases and received two complaints. It sent one reasoned opinion to the United Kingdom concerning the implementation of Directive 89/618, on the information of the population in case of radiological emergency. It decided to refer the UK to the Court because of the non-submission of data under Article 37 of the Treaty concerning the dismantling of the JASON research reactor. It also decided to refer Denmark to the Court because of the non-communication of all transposing measures for Directive 96/29.

In view of the progress made in the transposition of Directives 96/29 and 97/43, the Commission decided the closure of the procedures opened against the Netherlands and the withdrawal of the Court applications against Ireland and Portugal. This was also the case for Germany, in view of the adoption of new legislation concerning Directive 89/618.

2.9. FISHERIES

On 25 April the Court of Justice gave judgment against France for failure to fulfil fisheries inspection obligations as certain quotas for 1991, 1992, 1993, 1994, 1995 and 1996 were exceeded.¹¹⁴

¹¹⁴ Joined cases C-418/00 and C-419/00 [2002] ECR I-03969.

On 14 November the Court of Justice gave judgment against the United Kingdom for failure to fulfil fisheries inspection obligations as certain quotas for 1985, 1986, 1988, 1990, 1991, 1992, 1993, 1994, 1995 and 1996 were exceeded.¹¹⁵

In proceedings for failure to fulfil fisheries inspection obligations as certain quotas for Denmark in 1997, France in 1997 and Sweden in 1997 were exceeded, the Commission served reasoned opinions on those Member States on 24 and 25 April and 18 October respectively. It decided to refer cases to the Court of Justice against Sweden on 24 July, Ireland on 11 September and Finland on 3 December for excesses in 1995 and 1996.

On 27 August it decided to bring Article 228 proceedings in the Court of Justice against France for inadequate enforcement of technical fish resource conservation measures.

2.10. INTERNAL MARKET

2.10.1. Free movement of goods

As in 2001, the volume of infringement proceedings concerning barriers to trade (Articles 28 *et seq.*)¹¹⁶ was fairly stable in 2002. Most of these are technically complex and politically sensitive cases, particularly where the protection of health, the environment or the consumer are involved. Several factors helped to prevent the number of infringement proceedings from rising: the preventive action of Directive 98/34/CE¹¹⁷ on the obligation to notify draft technical rules (frequent sources of barriers to trade in goods), the harmonisation of certain areas such as foodstuffs, construction, telecommunications and mechanical engineering, and a growing awareness by the national authorities of the principles governing the internal market.

The statistics also confirm the trend for problems raised in complaints or detected by other means to be solved before infringement proceedings begin (with the letter giving formal notice to act). Package meetings have once again shown their effectiveness in settling cases, even if a major organisational effort is involved in preparing for them and following them up. Regular one-off actions have been undertaken with the Member States to ensure that cases really are solved effectively.

The Commission also took stronger information and promotion measures concerning Decision 3052/95/EC,¹¹⁸ which requires the Member States to notify the Commission of national measures that constitute exceptions from the principle of free movement of goods. It published an explanatory brochure for national administrative authorities and economic operators.

As for the scheme for a rapid response to serious barriers to trade in goods established by Regulation (EC) 2679/98 on the functioning of the internal market (the strawberries regulation),¹¹⁹ the Article 3 early warning system was

¹¹⁵ Cases C-454/99 and C-140/00.

¹¹⁶ See website http://europa.eu.int/comm/internal_market/en/goods/mutrec.htm.

¹¹⁷ OJ L 204, 21.7.1998, p. 37.

¹¹⁸ OJ L 321, 30.12.1995, p. 1.

¹¹⁹ OJ L 337, 12.12.1998, p. 8.

activated eleven times in 2002. Three of the requests for information concerned restrictions on rail traffic in the Channel Tunnel, which were settled in the course of the year.

Turning to product liability (Directive 85/374/EEC as amended¹²⁰), the Court of Justice gave three judgments clarifying the scope of the directive on 25 April 2002;¹²¹ judgment was given against France and Greece for incorrect transposal.

2.10.2. *Free movement of services and right of establishment*

Turning to freedom to provide services and freedom of establishment for services enterprises, in accordance with its Strategy for the internal market in services,¹²² the Commission continued to handle a very wide variety of complaints (security services, vehicle hire, services supplied by medical laboratories, inspection agencies, temporary employment agencies, engineering consultancies, patent agents, surveyors, tourism and leisure services, animal breeders etc.).

Regarding the posting of workers to third countries, the Commission referred its proceedings against Belgium, Germany, Luxembourg and Austria to the Court of Justice, considering that they had not given effect to the *Vander Elst* judgment.¹²³ The posting of workers to third countries in the context of the provision of services remains subject to conditions as regards entry, residence and employment considered contrary to Article 49 of the EC Treaty. The Court of Justice gave judgment in an important case concerning the organisation of fairs and exhibitions.¹²⁴ It held that a series of obligations were incompatible with the freedom to provide services (general authorisation scheme, establishment in the host country, exclusive activity obligation and specified legal status, not-for-profit status etc.) and freedom of establishment (presence of authorities on managing bodies of organising companies, power of intervention, even on a consultative basis, of bodies set up by competing operators etc.). The Court also gave judgment in cases concerning conditional access services (inadmissibility of the obligation for operators to seek prior authorisation in the host country,¹²⁵) pay slips¹²⁶ and temporary work contracts (incompatibility of the obligation to lodge and pay a guarantee in the host country with Article 49 of the EC Treaty¹²⁷). In the area of health services, a consultation process with the Member States on the implementation of the judgments given by the Court of

¹²⁰ OJ L 210, 7.8.1985, p. 29.

¹²¹ Case C-52/00 *Commission v France* [2002] ECR I-03827; Case C-154/00 *Commission v Greece* [2002] ECR I-03879; and Case C-183/00 *Preliminary ruling on Spanish legislation* [2002] ECR I-03901. Greece has amended its legislation as required by the judgment.

¹²² COM (2002) 441 final, 30.7.2002

¹²³ Case C-43/93 [1994] ECR I-03803 (judgment given on 9.8.1994).

¹²⁴ Case C-439/99 [2002] ECR I-00305 (judgment given on 15.1.2002).

¹²⁵ Case C-390/99 [2002] ECR I-00607 (judgment given on 22.1.2002).

¹²⁶ Case C-79/01, not yet reported (judgment given on 20.11.2002).

¹²⁷ Case C-279/00 [2002] ECR I-01425 (judgment given on 7.2.2002).

Justice concerning the reimbursement of health-care expenditure incurred in another Member State has been launched.¹²⁸

Turning to commercial communication, the Commission decided to refer an action to the Court of Justice against Belgium concerning certain provisions of its Commercial Practices Act restricting the possibilities for using loyalty schemes. It also commenced proceedings against French rules prohibiting television advertising for certain lines of business (distribution, press, cinema, publishing).

In financial services, the Commission referred two insurance cases against Luxembourg and France concerning bonus/malus coefficients to the Court of Justice;¹²⁹ but it terminated the proceedings against Belgium and Finland as they had amended their bonus/malus rules in line with the interpretative communication on freedom to provide services and the general interest. In the case against Italy on the freezing of motor-vehicle third-party insurance premiums, the Advocate-General presented his conclusions in Case C-59/01 on 4 July 2002, confirming the Commission's attachment to the principle of pricing freedom laid down by the insurance directives. The Commission also pursued the infringement proceedings against France concerning mutual societies and asked the Court to impose a penalty payment of €242 650 per day.¹³⁰

The process of transposing Directive 98/78/EC¹³¹ (insurance groups) was completed when Greece notified measures adopted in response to the Court's judgment given in Case C-312/01 on 12 September 2002. The Commission was also able to close a number of other cases when the relevant national legislation was brought into line. Such was the case of the Finnish legislation whereby damage caused to passengers in a vehicle that was in an accident could be excluded from insurance cover if the driver was under the influence of alcohol. This legislation was held to be contrary to Article 2 of the second motor-vehicle insurance directive (84/5/EEC¹³²), which allows an exclusion only in the few cases expressly it provides for, which does not include drunkenness of the driver, and has been amended.

In transferable securities, the Commission commenced an action in the Court of Justice against the United Kingdom on 20 December 2001 for failure to transpose Directive 97/9/EC¹³³ (investor compensation schemes) in Gibraltar.

Virtually all the infringements relating to investment funds (UCITS) that reached formal proceedings stages in 2002 or are under scrutiny concern tax matters. They are based on the study on tax barriers to the internal market in investment funds presented by the Fédération européenne des Fonds et des

¹²⁸ Cases C-120/95 [1998] ECR I-01831 and C-158/96 [1998] ECR I-01931 (judgments given on 28.4.1998); Cases C-157/99 [2001] ECR I-05473 and C-368/98 [2001] ECR I-05363 (judgments given on 12.7.2001).

¹²⁹ Cases C-346/02 and C-347/02.

¹³⁰ Case C-261/02.

¹³¹ OJ L 330, 5.12.1998, p. 1.

¹³² OJ L 8, 11.1.1984, p. 17.

¹³³ OJ L 84, 26.3.1997, p. 22.

Sociétés d'investissement (FEFSI) in 2001 and on specific complaints from organisations representing the investment funds industry. Formal proceedings were opened or pursued against Austria and Germany. Investigations are in motion against a number of Member States, and administrative letters were sent in the autumn of 2002.

In 2002 the Commission sent the Member States a questionnaire on payment systems, asking for the measures they had taken to establish the penalties provided for by Article 7 of Regulation (EC) No 2560/2001¹³⁴ on cross-border payments in euros.

Some of the proceedings in motion regarding the operational independence of postal services operators from national regulatory authorities were settled in 2002. Three proceedings remain, in which a solution is expected in 2003. In most complaints about the poor quality of the postal service, the Commission's practice is to remind complainants that there are national redress procedures which should be used in preference (all the Member States have established such procedures in accordance with the rules that apply here).

2.10.3. *The business environment*

In industrial property, reasoned opinions were served on nine Member States on 19 December 2002 for failure to notify national measures transposing Directive 98/44/CE (legal protection of biotechnological inventions).¹³⁵ In 2002 the Commission also published two reports provided for by the Directive – “An assessment of the implications for basic genetic engineering research of failure to publish, or late publication of, papers on subjects which could be patentable”¹³⁶ and “Development and implications of patent law in the field of biotechnology and genetic engineering”.¹³⁷ It referred proceedings against seven Member States for failure to transpose Directive 98/71/EC (legal protection of designs)¹³⁸ to the Court of Justice.

Only two Member States (Denmark and Greece) have notified measures to give effect to Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society.¹³⁹

On 26 September 2002, the Advocate-General gave his opinion in *SENA v NOS*¹⁴⁰ concerning the interpretation of the concept of fair remuneration for the purposes of Article 8(2) of Directive 92/100/CEE (lending right).¹⁴¹ Most of the infringement proceedings in motion concerned the incorrect application of certain provisions of the Directive: at the end of 2002 proceedings were referred to the Court of Justice in the cases against Belgium and the United Kingdom,

¹³⁴ OJ L 344, 28.12.2001, p. 13.

¹³⁵ OJ L 213, 30.7.1998, p. 13.

¹³⁶ COM (2002) 2 final, 14.1.2002, as required under Article 16(b) of Directive 98/44/EC.

¹³⁷ COM (2002) 545 final, 7.10.2002, annual report as required under Article 16(c) of Directive 98/44/EC.

¹³⁸ OJ L 289, 28.10.1998, p. 28.

¹³⁹ OJ L 167, 22.6.2001, p. 10.

¹⁴⁰ Case C-245/00.

¹⁴¹ OJ L 346, 27.11.1992, p. 61.

and in the course of the year new complaints for incorrect application were made against Spain, France, Portugal and the United Kingdom. On 19 March 2002 the Court of Justice gave judgment declaring that, by not acceding in good time to the Bern Convention for the Protection of Literary and Artistic Works (Paris Act, 1971), Ireland had failed to fulfil its obligations under the EC Treaty.¹⁴²

The Commission continued monitoring the application of Community law relating to public procurement via complaints and the analysis and monitoring of cases detected by its own investigations. To boost the essential role of complainants in detecting infringements, the Commission issued a Communication specifying the administrative measures provided for in their favour.¹⁴³

The Commission has established a consultation and dialogue procedure (transposal package meetings) to help the Member States transpose Community public procurement legislation correctly. Even so, in 2002 the Commission had to examine a number of public procurement cases. The following are a few examples.

Following a complaint received from 40 non-governmental organisations relating to tied aid, i.e. the practice whereby Member States make the grant of aid to developing countries conditional on the purchase of goods, services or works originating from the donor country, the Commission launched an investigation into the aid tying practices of all Member States. Investigations remain open in six Member States.

The Commission decided to refer Germany to the Court of Justice in two cases where services were contracted without carrying out a proper tender procedure. In one case, the German authorities considered that a contracting authority that had itself won a tender for the treatment of waste, was not obliged to carry out a tender procedure in order to award a contract for transporting this waste. The German authorities argued that the contracting authority acted outside its own field of public responsibilities when contracting these services. The Commission considers however that a contracting authority in terms of European procurement law cannot select freely its subcontractors like a private body. In the other case, the German authorities admitted that a tender procedure should have been carried out when several waste disposal contracts were awarded. As the contracts are however still implemented, the Commission considers that European Community law continues to be violated.¹⁴⁴

The Commission also decided to refer its case against Italy for incorrect transposal of the services Directive 92/50/CEE¹⁴⁵ to the Court of Justice. The

¹⁴² Case C-13/00 [2002] ECR I-02943.

¹⁴³ Commission Communication to the European Parliament and the European Ombudsman on relations with the complainant in respect of infringements of Community law: OJ C224, 10.10.2002.

¹⁴⁴ See similar cases currently subject to a pending decision of the Court of Justice : Opinion of the AG of 28 November 2002, joint cases C-20/01 and C-28/01.

¹⁴⁵ OJ L 209, 24.7.1992, p. 1.

“Karrer” Decree, as it is known, Decree 116/97 by the Italian Prime Minister, which lays down provisions for determining the economically most favourable bid for the award of certain public service contracts, specified award criteria including criteria that were to be taken into account when service-providers were being selected. Following the repeal of the Decree, the Commission decided to withdraw its proceedings on 24 April 2002.

In Austria, the application of the redress procedures Directive 89/665/CEE¹⁴⁶ is a major topic on the agenda for discussions at the authorities’ annual package meeting on public procurement with the Commission. A trend that emerged in 2001 was confirmed in 2002: the Court of Justice received a growing number of requests for preliminary rulings on the interpretation of the directive (five questions from Austrian courts in 2002, bringing the total to eleven since 2001). But there has been no increase in the number of cases of incorrect application of the Directive in Austria referred to the Commission.

In its *Hospital Ingenieure* judgment,¹⁴⁷ the Court of Justice drew the Commission’s attention to another instance of incorrect application of the redress procedures Directive in Austria: the awarding authority’s decision to withdraw an invitation to tender for a public services contract must be subject to challenge and annulment, which is not the case in the Land Vienna.

In the data-protection area, Luxembourg notified measures transposing Directive 95/46/EC (protection of individuals with regard to the processing of personal data and on the free movement of such data)¹⁴⁸ on 21 August 2002, following a judgment given against it by the Court of Justice on 4 October 2001.¹⁴⁹

Regarding company law and financial information the Commission received a complaint against the German Altbankengesetz (Old Banks Act) 1953. The complaint alleges that section 22(3) of the Act is incompatible with Articles 47 *et seq.* of Directive 78/660/EEC,¹⁵⁰ which requires all German companies limited by shares to publish annual accounting documents. The Commission also received three complaints concerning the application in Italy of Directive 84/253/EEC on the approval of persons responsible for carrying out the statutory audits of accounting documents.¹⁵¹

2.10.4. *Regulated professions (qualifications)*

The volume of complaints and infringements relating to qualifications and regulation professions remained broadly stable. In 2002 the Commission received around 20 complaints concerning restrictions in breach of Articles 43 and 49 of the EC Treaty and the directives on the mutual recognition of professional qualifications.

¹⁴⁶ OJ L 395, 30.12.1989, p. 33.

¹⁴⁷ Case C-92/00 [2002] ECR I-05553 (judgment given on 18.6.2002).

¹⁴⁸ OJ L 281, 23.11.1995, p. 31.

¹⁴⁹ Case C-450/00 [2001] ECR I-07069.

¹⁵⁰ OJ L 220, 14.8.1978, p. 11.

¹⁵¹ OJ L 126, 12.5.1984, p. 20.

Noteworthy are the infringement proceedings against Greece regarding Directives 89/48/EEC¹⁵² and 92/51/EEC¹⁵³ relating to the general system of recognition of qualifications. After the proceedings for failure to notify measures transposing Directive 89/48/EEC were terminated in October 2000, the Commission issued a reasoned opinion and decided to refer its case against Greece to the Court of Justice as regards the non-conformity of its legislation transposing the Directive (Presidential Decree No 165/2000 of 23 June 2000) and for incorrect application. A supplementary reasoned opinion was also issued for incorrect application of Directive 92/51/EEC. In both cases Greece was criticised for failing to recognise qualifications awarded to its own nationals in its own territory by establishments providing education and training on a franchise basis for other Member States.

The Commission also brought proceedings in the Court of Justice against Greek legislation imposing restrictive conditions on individuals and firms wishing to operate optical equipment shops, which the Commission considers to be contrary to Article 43 of the EC Treaty.

A case has been brought in the Court of Justice for a declaration that Directive 85/384 on the mutual recognition of formal qualifications in architecture is applied incorrectly by the Greek authorities.

2.11. REGIONAL POLICY

2.11.1. Analysis of causes

Regional policy is mainly governed by Regulations directly applicable in the Member States. These regulations (Regulations (EC) Nos 1164/94 (Cohesion Fund) and 1260/1999 (Structural Funds)) and the financial control regulations lay down strict rules. Infringements of regional policy instruments thus generally consist of incorrect application of regulations or irregularities relating to the protection of the financial interests of the European Communities (Article 1(2) of Council Regulation (EC, Euratom) No 2988/95).

But the irregularities also involve infringements of other Community provisions. The link between these regional policy measures and compliance with other Community instruments is also underscored by the express obligation for measures financed by the Cohesion or Structural Funds, the EIB or other financial instruments to comply with the provisions of the Treaties and legislation adopted under them and with Community policies (Article 8(1) of Regulation (EC) No 1164/94 and Article 12 of Regulation (EC) No 1260/1999).

2.11.2. Effects of infringement situations

The Commission can commence proceedings under Article 226 of the EC Treaty, in particular in the event of an infringement of the Structural Funds Regulations (cf. charging of levies by national bodies responsible for managing aid schemes co-financed by the Structural Funds, contrary to those Regulations, which require the full amount of

¹⁵² OJ L 19, 24.1.1989, p. 16.

¹⁵³ OJ L 209, 24.7.1992, p. 25.

assistance to be paid to the final beneficiaries). In irregularity cases, the Commission can open specific proceedings for the suspension, reduction or withdrawal of assistance from the relevant Fund in accordance with Article 24 of Regulation (EEC) No 4253/88 (as amended by Regulation (EEC) No 2082/93), and Articles 38(5) and 39 of Regulation (EC) No 1260/1999. Such proceedings were launched, for instance, where the recipient of a direct grant failed to comply with the conditions set out in the award letter and the recipient of a global grant who did not carry out the project to be assisted by the grant.

And the Commission can also commence proceedings for the suspension, reduction or withdrawal of assistance under Articles G and H of Annex II to Council Regulation No 1164/94 establishing the Cohesion Fund, as amended by Regulation No 1265/1999.

2.12. TAXATION AND CUSTOMS UNION

2.12.1. Customs union

In the customs area, where Community legislation is mostly in the form of Regulations, the Commission commenced proceedings against France, which, when giving a stay of execution of a customs decision in matters of *a posteriori* recovery of a customs debt, does not require the debtor to provide a guarantee as provided by Article 244 of the Community Customs Code. And stays are given too generously. France acknowledged the correctness of the Commission's position and announced that at the beginning of 2003 it would establish a national customs debt recovery procedure allowing Community rules to apply properly in all circumstances.

The Commission brought an action in the Court of Justice¹⁵⁴ in proceedings against Greece on the levy charged on imports of pharmaceuticals for the benefit of the National Medicines Organisation, as such a levy on importers constitutes a tax having equivalent effect to a customs duty contrary to Articles 23 and 25 of the Treaty. Proceedings against Greece concerning the levies on imports of frozen fish of Community origin were terminated when the authorities took action in line with the reasoned opinion.

2.12.2. Direct taxation

Commission activity here was particularly intense in 2002.

First, Germany was given notice to make its views known on the tax treatment of dividends from foreign investment funds, which appeared to be discriminatory within the meaning of Articles 49 and 56 of the EC Treaty. The full amount of dividends from foreign funds is taxable, whereas only half the dividends from German funds is taxable. The Commission is concerned that this treatment could make it more difficult for foreign funds to sell their products in Germany, especially as a recent Bill would seem to extend the same tax discrimination to capital gains.

Reasoned opinions were issued in the following specific cases:

– Belgium: national legislation relating to succession duties and registration charges is not in conformity with Articles 43 and 48 of the EC Treaty, as several forms of tax relief

¹⁵⁴ Case C2002/426.

are given only to Belgian bodies, which runs counter to the freedom of establishment of bodies from other Member States;

– Spain: legislation relating to various tax provisions applicable to capital gains on shares sold on Spanish stock exchanges and those sold on markets in other Member States is not in conformity with Articles 49 and 56 of the EC Treaty;

– France: Refusal to allow partial deduction from income tax of child-care costs for parents residing in France but placing their children in a crèche in Belgium, contrary to Articles 39 and 49 of the EC Treaty;

– Italy: Introduction with retroactive effect of a tax incompatible with Directive 69/335/EC concerning indirect taxes on the raising of capital, and application of specific rules making it very difficult to exercise the right to reimbursement of the government concession tax declared illegal by the Court of Justice.¹⁵⁵

Two earlier infringement proceedings were referred to the Court of Justice: the first concerns France and income from capitalisation contracts;¹⁵⁶ the second concerns Belgium and the tax on subscriptions to new shares in investment companies.¹

The infringement proceedings against Greece, which imposed not only the tax on raising of capital but also other special taxes on the capital of limited liability companies, were terminated after Greece came into line with the judgment given by the Court of Justice on 19.3.2002.¹⁵⁷

2.12.3. Value-added tax

As in previous years the Commission commenced several new proceedings for incorrect application of the Sixth VAT Directive (77/388/EEC) relating to the uniform basis of assessment:

– Belgium: at public sales of works of art, Belgium charges VAT on the *droit de suite*, which is a form of participation in the profit and received by artists or their heirs and successors upon successive resales of their works, contrary to Article 2 of the Directive;

– Spain: First, the Spanish legislation on VAT on grants and subsidies contains two provisions contrary to the Directive, namely that the *prorata* is applied to taxable persons who have only taxable operations, contrary to Article 17(5), and that it places a limit on the right to deduct that is contrary to Article 17(2). Second, on the basis of Article 16 of the Directive, Spain has exercised the option of establishing non-customs warehouses, the removal of goods from them being treated as equivalent to an import, which effectively creates two taxable events with the consequential obligation to make two separate declarations, one of them a customs declaration; but the Directive does not allow a taxable event to arise solely from the removal of goods from a customs warehouse;

– Greece: by refusing to allow exemption from VAT for the grant of credit by persons other than financial institutions, Greece is acting contrary to Article 13(B)(d)(1) of the

¹⁵⁵ Cases C-1991/071 and C-1991/178 [1993] ECR I-01915.

¹⁵⁶ Case C-2002/333.

¹⁵⁷ Case C-1998/426 [2002] ECR I-02793.

Directive, which exempts credit as such and allows no distinction to be made depending whether the person giving the credit is a financial institution or another person, such as a seller of goods on credit;

– Italy: to give effect to the judgment of the Court of Justice of 3.9.2000,¹⁵⁸ the French authorities now charge VAT on tunnels between France and Italy. But Italy has maintained the exemption and is therefore still in an infringement situation.

Two existing proceedings against Germany have been referred to the Court of Justice: the first concerns the non-taxation of subsidies for dried fodder¹⁵⁹ and the second concerns the application of reduced VAT rates to artists.¹⁶⁰ The Court also gave judgment against Germany on 20.6.2002 in the case concerning exemption for research activities.¹⁶¹

A significant number of proceedings were terminated after Member States amended their legislation, particularly in response to the Court's judgments for the Commission:

– Spain: The reduced rate of VAT on motorway tolls was abolished as required by the Court's judgment of 18.1.2001;¹⁶²

– France: The French authorities have complied with the judgment given by the Court of Justice on 14.6.2001¹⁶³ regarding the partial deductibility of diesel used as a fuel in vehicles not eligible for deduction;

– Italy: The Italian authorities adopted a ministerial decree on the procedure for reimbursement by the issue of government bonds in response to the judgment given by the Court of Justice on 25.10.2001;¹⁶⁴

– Netherlands: The contested deduction for vehicle costs has been abolished in response to the judgment given by the Court of Justice on 8.11.2001;¹⁶⁵

– Portugal: The Portuguese authorities have come into line with the judgment given by the Court of Justice on 9.3.2001¹⁶⁶ concerning the application of a reduced rate to certain products, including wines.

Another proceeding was commenced against Italy for incorrect application of the eighth VAT Directive (79/1072/EEC) on arrangements for the refund of value added tax to taxable persons not established in the territory of the country. Reimbursements to taxable persons not established in the territory of the country are still made with considerable delay.

¹⁵⁸ Case C-1997/358 [2000] ECR I-06301.

¹⁵⁹ Case C-2002/144.

¹⁶⁰ Case C-2002/109.

¹⁶¹ Case C-2000/287 [2002] ECR I-05811.

¹⁶² Case C-1999/089 [2001] ECR I-00445.

¹⁶³ Case C-2000/040 [2001] ECR I-04539.

¹⁶⁴ Case C-2000/078 [2001] ECR I-08195.

¹⁶⁵ Case C-1998/338 [2001] ECR I-08265.

¹⁶⁶ Case C-1998/276 [2001] ECR I-01699.

2.12.4. *Other indirect taxes*

The Commission served an additional letter of formal notice to act on the United Kingdom, which still applies to travellers returning from other Member States where they have bought alcoholic beverages and tobacco products for their personal use penalties that are such as to be incompatible with Directive 92/12/EC on the general arrangements for products subject to excise duty. +Under the same Directive, a reasoned opinion was served on Belgium for charging excise duties on manufactured tobacco products by means of tax marks on packaging and demanding payment of excise duties at the time when the marks are supplied. The Commission commenced Article 228 proceedings against France for failure to take the measures required by the judgment given by the Court of Justice of 27.2.2002 concerning tax differentials between light and dark tobacco,¹⁶⁷ held to be contrary to Directives 95/59/EC and 92/79/ECC, and to Article 90(1) of the EC Treaty.

Regarding the taxation of motor vehicles, the Commission commenced proceedings for incorrect application of Directive 83/183/EEC against Denmark, which refuses to allow exemption from registration taxes to persons transferring their permanent residence into the country, even though the exemption is provided for by the Directive, and against Greece, which, where a person relocates from another Member State, applies taxes on vehicles of one fifth of the tax normally paid to register a vehicle in Greece instead of giving the exemption provided for by the Directive.

The Commission was able to terminate the proceedings against Portugal under Article 90 of the EC Treaty after Portugal established an alternative legal framework for taxing second-hand vehicles. It also terminated the tax aspect of the infringement proceedings against France concerning the tax on rendering at abattoirs, which was contrary to the same Article of the Treaty, the rest of the case being examined as a State aid issue.

2.12.5. *Mutual assistance*

The Commission asked the United Kingdom to apply in Gibraltar Directive 77/799/EEC, which requires the Member States to exchange all the information they need for the proper assessment to taxes on income and assets, value added tax and excise duties on mineral oils, tobacco and alcohol. The mutual assistance directive is applicable throughout Community territory, of which Gibraltar is part.

A reasoned opinion was served on France for failure to notify national measures implementing the directives, which in tax matters is proportionately less frequent than cases of incorrect application, and letters giving formal notice to act were served on other Member States regarding Directive 2001/44/EC of 15.6.2001 on mutual assistance for the recovery of claims.

2.13. EDUCATION, AUDIOVISUAL MEDIA AND CULTURE

2.13.1. *Education*

Under Articles 149 and 150 of the EC Treaty, each Member State is responsible for the content of its education and the organisation of its education system. But Member States

¹⁶⁷ Case C-2000/302 [2002] ECR I-02055.

are required by Article 12 of the EC Treaty to refrain from imposing any form of direct or indirect nationality discrimination as regards access to education and vocational training.

The Commission has observed that students and persons receiving training still encounter a variety of barriers to academic mobility. But the limited scope of Community law in this field, where there is no secondary legislation, means that barriers to mobility are not always directly contrary to the Treaty. They flow from administrative practices, slow procedures and so on rather than from outright nationality discrimination contrary to Article 12 of the EC Treaty. Barriers such as these are likely to discourage European students from exercising their right of free movement. The problem most commonly arises in connection with the recognition of qualifications. The recognition of qualifications for academic purposes is a matter within the Member States' jurisdiction; but the Member States are required by Article 12 of the EC Treaty to refrain from all forms of nationality discrimination. The Commission has observed that in some Member States the accreditation procedure is far too slow and that the relevant national authorities give greatly inadequate reasons for their decisions. Although recourse to national redress procedures is the only effective means of obtaining the amendment or annulment of decisions taken by national authorities, contacts have been established with some Member States to ascertain why accreditation procedures take such a disproportionately long time, as they generate barriers to mobility of students.

In 2002, the Commission decided to refer two infringement cases to the Court of Justice, one against Austria and one against Belgium, for imposing conditions for access on holders of qualifications awarded by other Member States that are different from those applied to their own nationals. Although Belgium has agreed to amend its legislation in line with Article 12, it has yet to notify the Commission of amended legislation.

2.13.2. Audiovisual (Directives 97/36/EC of 30 June 1997 and 89/552/EEC of 3 October 1989 (Television without frontiers))

2.13.2.1. Application of the Directives

The main objective is to create the conditions for the free movement of television programmes. In an overall assessment the **Fourth Application Report**¹⁶⁸ confirms that the Directive provides effective regulation for the European audiovisual sector and the validity of the common European approach to audiovisual matters. The overriding objectives of public interest that the Directive aims to safeguard are still valid and Member States have given themselves the means to achieve these objectives. Independent national regulatory authorities have been set up and most Member States have allocated additional staff and resources to effectively implement the Directive. The Court stated that Luxembourg¹⁶⁹ and Italy¹⁷⁰ had failed to fulfil their obligations under the Directive. In both Member State the provisions of the Directive have been duly implemented in the meantime.

¹⁶⁸ COM (2002) 778 final.

¹⁶⁹ Case C-119/00.

¹⁷⁰ Case C-207/00.

The Commission has been examining a complaint relating to the determination of the State of jurisdiction of a broadcaster in accordance with Article 2 of the Directive. The complainant, CLT-UFA SA, is a satellite broadcaster, licensed in Luxembourg, directing the services RTL 4 and 5 to the Dutch market. The Dutch Media Commission, by decision of 5 February 2002, upheld its previous decision of 20 November 1997. In this initial decision, it held that RTL/Veronica de Holland Media Group SA was the responsible broadcasting organisation for RTL 4 and RTL5, which therefore fell under the jurisdiction of the Dutch authorities. The Commission considers that, according to the criteria laid down in the Directive, RTL 4 and 5 fall under the jurisdiction of the Luxembourg authorities. The parties do not contest the fact that the channels are licensed in Luxembourg. This case will be closely followed to ensure that the interpretation given to the criteria is in line with the case law of the European Court of Justice.

Article 3a(1) of the Directive provides the Member States with a legal basis for taking *national measures* to protect a number of **events** regarded as being **of major importance** for society. By the end of 2002 measures in relation to Article 3a(1) of the Directive were in force in Italy, Germany, the United Kingdom and Austria. At the beginning of 2002, Denmark withdrew its measures¹⁷¹. In accordance with Article 3a(2) of the Directive, a consolidated list of the measures taken by Member States has been published once a year in the Official Journal of the European Communities. The last consolidated list was published in August 2002¹⁷². Belgium submitted draft measures pursuant to Article 3a of the Directive on 5 September 2002. This proposal was not complete and the Belgian authorities were informed accordingly. The Irish authorities notified draft measures on 7 November 2002, which were discussed in the Contact Committee established pursuant to Article 23a of the Directive on 30 January 2003. One case - concerning the role of the Commission in relation to Article 3a of the Directive - is still pending before the European Court of First Instance¹⁷³.

The Commission adopted on 8 November 2002 the Fifth Communication to the Council and the European Parliament on the application of Articles 4 and 5 of the Directive¹⁷⁴. This Communication shows the general trends observed both at Community level and in the individual Member States concerned. For the reference period (1999-2000), the national reports reflect generally satisfactory application by the European Union Member States of the provisions of Article 4 (**European works**) and Article 5 (**European works created by independent producers**) of the Directive.

The Directive also lays down rules on the quantity of **advertising** authorised. The Commission received several complaints about alleged failures to comply with the advertising and sponsorship rules in the Member States. Problems arose in particular with the practices of certain broadcasters in Greece, Spain, Italy and Portugal. The Commission is analysing the situation in these countries to find out whether the alleged excesses might constitute infringements by the relevant Member State. As a result the Commission decided to send a complementary reasoned opinion to Spain (26 April 2002).

¹⁷¹ Published in OJ C Nr 45, 19.02.2002

¹⁷² OJ C 189, 9.8.2002, p. 2

¹⁷³ Case T-33/01

¹⁷⁴ COM(2002)612 final http://europa.eu.int/comm/avpolicy/regul/twf/art45/art45-intro_en.htm

By way of exception from the general rule of freedom to receive and retransmit, Article 2a(2) of the Directive allows the Member States, subject to a specific procedure, to take measures against broadcasters under the jurisdiction of another Member State who “manifestly, seriously and gravely” infringe Article 22. The aim is to **protect minors** against programmes “likely to impair [their] physical, mental or moral development” and to “ensure that broadcasts do not contain any incitement to hatred on grounds of race, sex, religion or nationality”. The Commission considers that Article 2a(2) was satisfactorily applied during the report period. A new notification of intended measures was submitted to the Commission by the German authorities on 6th November 2001 and consultations according to Article 2a(2)d took place.

2.14. HEALTH AND CONSUMER PROTECTION

Policy on health and consumer protection is one of the Community responsibilities that directly affect the life of Europe’s citizens.

The importance of this is reflected in the Commission’s activities in enforcing Community law. Monitoring the application of Community health law is not confined to investigating complaints and commencing infringement proceedings but includes the preventive activities of the Food and Veterinary Office, whose inspection reports and dialogue with the Member States ensure that the Member States apply Community law uniformly and properly.

2.14.1. Veterinary legislation

Securing the highest level of food safety in the European Union is one of the Commission’s top priorities. There is no doubt that a high level of food safety can be attained only by action at Community level. It would therefore be unacceptable for the operation of the internal market to be hampered by unilateral measures taken by the Member States.

Specific attention is merited in this respect by the Commission’s infringement proceedings against France for its import ban on British beef in the context of the fight against bovine spongiform encephalopathy (BSE). As France did not take measures to give effect to the judgment given against it by the Court of Justice on 13.12.2001 in Case C-1/00, for refusing to lift the embargo on imports of British beef properly marked or labelled from 30 December 1999, the Commission commenced expedited Article 228 proceedings on 21.3.2002. The infringement was put right after the Commission applied to the Court to give judgment against France for failure to comply with the earlier judgment, with a periodic penalty payment in support. The Commission withdrew its action once the infringement was terminated.

The Commission served a reasoned opinion on France for adopting legislation prohibiting the marketing of sweetbreads, for having no official veterinarian presence in poultry abattoirs and for failure to comply with other aspects of Community legislation on fresh poultrymeat.

The Commission welcomed the adoption of measures in the United Kingdom to prohibit the use of hyperchlorinated water to disinfect poultry carcasses and thus terminate an infringement proceeding that had been running since 1997.

As regards barriers to trade in the context of veterinary controls, the Commission decided to refer to the Court of Justice the obligation to give the Swedish veterinary authorities prior notice of arrivals of consignments of fresh meat or products containing animal products from other Member States.

Three Directives were due for notification of national implementing measures in 2002: Directives 1999/74/EC (laying hens), 2000/75/EC (bluetongue) and 2001/89/EC (classical swine fever).

Council Directive 1999/74/EC of 19 July 1999 lays down new minimum standards for the protection of laying hens by laying down stronger common rules to fill in the gaps in earlier legislation that paid inadequate attention to animal well-being. It allows each Member State to establish more stringent requirements for its territory. It distinguishes minimum conditions for three categories of laying hen breeding systems: enriched cages with a minimum surface of 750 cm² per hen; unenriched cages with a minimum surface of 550 cm² per hen (to be abolished gradually by 2012); systems without cages with nests (at least one per seven hens), adequate perches and population density not exceeding nine hens per m² of usable surface area.

The Commission served reasoned opinions on Austria, Belgium, Greece, Italy and Portugal for failure to fulfil their obligations under the Directive.

Concerning Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue, reasoned opinions were served on Greece, Italy and the United Kingdom.

Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever has been transposed by Belgium, Denmark, Spain, the Netherlands and Finland. Infringement proceedings have been commenced against the other Member States, which have not met their obligation to notify.

2.14.2. Plant-health legislation

Spain, Luxembourg and Sweden have notified national measures transposing all the directives due for transposal in 2002.

Germany and France are still behind schedule.

Austria has adopted the amendment to the regulation on maximum pesticide residues, transposing the directives on maximum pesticide residues, and the infringement proceedings have been terminated.

2.14.3. Seeds and seedlings legislation

Two directives were due for transposal in 2002.

Reasoned opinion for failure to notify measures transposing Directive 2001/64/EC (on the marketing of fodder plant seed and cereal seed) were served on Germany, Greece, Italy and the United Kingdom. Reasoned opinions for failure to notify measures transposing Directive 2002/8/EC (conditions for examining vegetable and agricultural varieties) were served on Belgium, Greece and Italy.

Germany has not yet caught up its delays in transposing Directives 98/56/EC, 99/66/EC and 99/68/EC (propagating material of ornamental plants).

2.14.4. Food legislation

The Commission terminated the infringement proceedings against Spain for imposing an obligation to specify the size-grading of table olives on the label. Spain issued a Royal Decree abolishing this requirement, which was contrary to Community legislation on the labelling of foodstuffs and its exhaustive list of compulsory items of information.

Denmark, Greece and Sweden have notified national measures transposing all the directives due for transposal in 2002.

There are relatively few problems with the Member States' notification of transposal measures in this area. Germany has the largest shortfall.

2.14.5. Animal feedingstuffs legislation

There were no significant developments this year in the notification of Member States' measures transposing directives. Four directives fell due for transposal in 2002: 2001/46/EC (official inspections in the field of animal nutrition); 2001/79/EC (additives); 2001/102/EC (undesirable substances and products in animal nutrition) and 2002/1/EC (animal feedingstuffs).

Greece is the country with the largest shortfall. In 2001 the Court of Justice gave judgment against Greece for failing to fulfil its obligation to transpose two feedingstuffs directives (95/69/EC and 98/51/EC). Greece has complied with the Court's judgment as regards Directive 95/69/EC. But it was sent an Article 228 reasoned opinion regarding Directive 98/51/EC on approving and registering certain establishments in the animal feed sector. And the Court gave judgment against Greece for failure to fulfil its obligation to transpose Directive 99/20/EC concerning additives in feedingstuffs. Greece has complied with this judgment.

2.14.6. Consumer protection

There has been a sharp improvement in the situation regarding incorrect transposal, and several cases have been terminated. An example is the proceedings against Portugal for incorrect transposal of Directive 94/47/EC (right to use immovable properties on a timeshare basis). The Portuguese legislation has been amended in line with all the Commission's objections, and the case was closed at the reasoned opinion stage. The Commission also brought proceedings against Italy in the Court of Justice regarding the same directive, but withdrew them when Italy agreed to act on all its objections.

The Court gave judgment in two cases concerning failure to implement Directive 93/13/EEC (unfair contract terms). In Case C-478/99 *Commission v Sweden*, the Court held that the indicative list of contract clauses capable of being regarded as unfair, annexed to Directive 93/13/EEC, could legitimately be included in the preparatory work for the Swedish Act transposing the Directive and did not necessarily have to be in the body of the Act itself. Two partly similar proceedings against Finland and Denmark were terminated accordingly.

In the second case, Case C-1999/372, the Court found against Italy for incomplete transposition of Article 7(3) of Directive 93/13/EEC. The Italian transpositional legislation did not specify that action for an injunction against a professional association could concern not only the use of an unfair clause but also the recommendation that such clauses be used. The Court accordingly held that Italy had failed to fulfil its obligations under the Directive, even though the Italian courts generally interpret the concept of “use” in a broad sense including recommended unfair clauses.

The Directive on the sale of consumer goods and associated guarantees (1999/44/EC) fell due for transposal on 1 January 2002, and national measures should have been notified by then. The directive confers a common set of rights on consumers, valid wherever the goods are purchased in the European Union. The core right is that, if the goods do not conform to the purchase contract, the consumer has a right of redress against the seller for two years after delivery. The consumer can seek repair of the goods, their replacement, a reduction on a subsequent purchase or full reimbursement of the price paid. For six months after delivery, it is for the seller and not for the purchaser to show that the goods conform to the sales contract and are free of defects. The final seller, who is liable vis-à-vis the purchaser, may shift liability on to the manufacturer in cases defined by the Member States. The Member States are authorised to lay down rules of domestic law requiring consumers who wish to exercise their right of redress to inform the seller of all defects or lack of conformity within two months of detecting the problem. The directive also requires commercial guarantees given by producers and retailers alike to be in plain intelligible language. Where such guarantees are given, they must indicate that they go beyond the consumer’s legal rights.

The Commission served reasoned opinions on Belgium, Spain, France, Ireland, Luxembourg, the Netherlands, Portugal and the United Kingdom for failure to fulfil the obligation to transpose Directive 1999/44/EC in the time allowed.

Regarding Directives 97/55/EC (misleading advertising) and 98/7/EC (consumer credit), Spain has complied with the two judgments given by the Court of Justice for failure to fulfil its transpositional obligation.

2.14.7. Public health

Parliament and Council Directive 2001/37/EC of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products fell due for transposal on 30 September 2002.

The Commission has started infringement proceedings against all the Member States except Belgium, Spain and Sweden for failure to notify it of national transpositional measures.

2.14.8. Notification of technical rules

Parliament and Council Directive 98/34/EC of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive 98/48/EC, requires Member States and Members of the European Free Trade Association who have signed the Agreement on the European Economic Area plus Switzerland to give each other and the Commission prior notification of all draft

rules containing technical standards or rules in order to avoid raising new barriers to trade in the internal market.

The 201 texts notified in 2002 (188 by Member States of the European Union and 13 by EFTA countries or Switzerland), sometimes by the urgent procedure (9), as regards health and consumer protection are evidence of the growing attention paid by national legislative bodies to these matters, particularly as regards foodstuffs. The Commission's review of these notifications yielded observations in nine cases, negative decisions in six and reasoned opinions in eleven cases where the instruments notified needed adjusting to match them with the requirements of Community law. The number of notifications by the Member States under the procedure of Directive 98/34/EC in the course of the year – 32 – shows that information services are also expanding rapidly.

2.15. JUSTICE AND HOME AFFAIRS

The salient features of the year as regards the free movement of persons and Union citizenship were four major judgments given by the Court of Justice,¹⁷⁵ the relative stability of the number of infringement proceedings and sharp rise in the number of Commission decisions referring infringement proceedings dating from earlier years to the Court of Justice.

The Court's judgments for the first time confirm the direct effect of Article 18(1) of the EC Treaty and the principle of applying the right of residence of Union citizens and their family members irrespective of nationality, in the light of the fundamental right to protection of family life, the proportionality principle and Union citizenship. They also put clear limits on the possibilities for the Member States to withhold the right of entry and residence for a Union citizen's family members who are third-country nationals, in the event of the absence of travel documents or visas, illegal entry or presentation of an application for a residence card after the expiry of the visa.

2.15.1. Application of the principle of the prohibition of nationality discrimination as regards the right of residence and traffic offences

The Commission decided to take France to the Court of Justice for its legislation providing that from the time of the first renewal permanent residence cards were to be issued to nationals of other Member States engaging in gainful activity in France on the basis of reciprocity, which excludes nationals of other Member States which do not allow French citizens residing in their territory the same benefit.

The Commission also decided to bring an action in the Court of Justice against Spain concerning the disproportionate and discriminatory penalties for nationals of other Member States who neglect to apply for the issue or renewal of a residence card in Spain.

In an action brought by the Commission against Italy, the Court of Justice held that by maintaining differentiated and disproportionate treatment between offenders in section

¹⁷⁵ Case C-224/98 *D'Hoop* [2002] ECR I-6191 (11.7.2002), Case C-60/00 *Carpenter* [2002] ECR I-6279 (11.7.2002), Case C-459/99 *MRAX v Belgium* [2002] ECR I-6591 (25.7.2002), and Case C-413/99 *Baumbast R* (17.9.2002).

207 of the Road Traffic Code, depending where the vehicle was registered, Italy had failed to fulfil its obligations under Article 12 of the EC Treaty.¹⁷⁶

2.15.2. *Free movement of people*

The Commission decided to refer to the Court of Justice infringement proceedings against Belgium in respect of the Belgian authorities' practice of accepting only resources available from the applicant's spouse or children when applying Directive 90/364 on the right of residence of economically inactive people,¹⁷⁷ whereas the Directive is silent on the source of resources, and the procedure for issuing an expulsion order to Member State nationals who have neglected to produce the documents required for the issuance of a residence card within the time allowed.

The Commission also decided to take Spain to the Court of Justice on account of the requirement by Spanish legislation that third-country nationals who are family members of a Union citizen wishing to settle with the Union citizen in Spain must first obtain a residence visa and present a series of documents. The Commission commenced two other infringement proceedings against Spain for refusing to issue visas for third-country nationals who are family members of a Union citizen on the basis of an alert entered in the Schengen Information System (SIS) by another Member States despite the absence of considerations of public order, public security or public health to justify the refusals.

On 5 December 2002, the Commission brought an action in the Court of Justice¹⁷⁸ for the failure by German legislation and administrative practice regarding expulsion orders against Union citizens on public order grounds to comply with Community law.¹⁷⁹ The Commission submits that Germany has failed to fulfil its obligations by not making it clear in its legislation that there can be no automatic causal link between a criminal conviction and expulsion of a Union decision, by issuing expulsion decisions against Union citizens that refer to deterrence considerations or display disproportion between the violation of family life and the preservation of public order, and by ordering immediate execution of expulsion decisions where there are no grounds of urgency.

2.15.3. *Right to vote at municipal elections*

The Commission decided to terminate two infringement proceedings against France and Greece. These cases concerned the principle established by Council Directive 94/80/EC¹⁸⁰ that nationals of other Member States wishing to exercise their right to vote at municipal elections in their host country are subject only to the electoral disqualification rules of the country of residence and that national authorities are not entitled to demand a declaration from the beneficiaries of the directive that they have not been deprived of their voting rights in their country of origin.

¹⁷⁶ Case C-224/00 *Commission v Italy* [2002] ECR I-2965 (judgment given on 19.3.2002).

¹⁷⁷ OJ L 180, 13.7.1990, p. 26.

¹⁷⁸ Case C-441/02.

¹⁷⁹ See Nineteenth Annual Report, point 2.15.4.

¹⁸⁰ OJ L 368, 31.12.1994, p. 38.

2.16. BUDGET

Infringements in budget matters are most commonly found in traditional own resources, in particular customs duties, where the number of referrals to the Court of Justice has risen this year.

2.16.1. Developments in proceedings dating from earlier years

In its decision du 7 March 2002 in Case C-2000/10 against Italy (goods imported to San Marino), the Court did not determine the actual amounts of the rectification of traditional own resources to be paid. It called on the Commission and the Italian authorities to make full use of all the possibilities of dialogue and loyal cooperation.

The Commission referred a case against Germany to the Court¹⁸¹ for late establishment of traditional own resources where transit documents are not cleared.

The case against France concerning reimbursement of VAT under the Protocol on the Privileges and Immunities of the European Communities was terminated.

2.16.2. New proceedings

Having referred a case against Denmark to the Court of Justice for a declaration that it was financially liable for an administrative error that caused a loss of own resources, the Commission decided to bring proceedings against Belgium and served reasoned opinions on the Netherlands and Portugal to establish the financial liability of their customs authorities for the loss of own resources when customs duties became time-barred.

The decision was also taken to refer to the Court the Belgian practice of unduly delaying the payment of customs own resources: where the person liable to duty is authorised to pay in instalments, Belgium makes own resources available only when it has received them in full.

2.17. PERSONNEL AND ADMINISTRATION

As regards the application of Community law to the staff of the Communities, the Commission ensures that the legislation of the Member States is adopted in compliance with Protocol on the Privileges and Immunities of the Communities and the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities.

No new infringement proceedings were commenced in 2002.

¹⁸¹ Case

2.18. ENLARGEMENT

1. Contribution on CoJ cases (judgments of 27.9.2001 – no reference in the 2002 report)

(wording partly taken from the CoJ press release)

The European Communities have signed in the 1990s association agreements with all Central and Eastern Europe candidate countries for accession to the Union. The agreements are designed to provide an appropriate framework for the accession of those States to the European Union. In that regard, all of them contain sections dealing with the movement of workers, the right of establishment and services.

They contain, *inter alia*, **provisions prohibiting discrimination on grounds of nationality against nationals of those States who are self-employed workers, or persons setting up and managing companies**. Such nationals are entitled to treatment that is no less favourable than that accorded to companies and nationals of the Member States.

The three cases judged by the Court on 27.9.2001 involve proceedings between, on the one hand, Polish, Czech and Bulgarian nationals and, on the other, the United Kingdom authorities.

The Court of Justice first recalls the purpose served by the association agreements: to promote trade and harmonious economic relations so as to foster the development of prosperity in those States and facilitate their future accession.

The Court considers that **the authorities of the Member States remain competent** to apply, within the limits set by those agreements, their own national laws and regulations regarding entry, stay and establishment.

However, the Court takes the view that **the principle of non-discrimination**, from which nationals of Poland, the Czech Republic and Bulgaria must benefit who wish to pursue, within the territory of the Member States of the Union, economic activities as self-employed persons or to set up and manage undertakings which they effectively control, **is directly applicable**: the principle thus established is sufficiently operational and unconditional to be applied by national courts called to rule on the legal position of the individuals concerned.

The association agreements thus confer on those nationals a right of establishment, that is to say, a right to take up activities of an industrial or commercial character, activities of craftsmen, or activities of the professions, and to pursue them **in a self-employed capacity**.

The Court cites its case-law stating that the EC Treaty does indeed imply that rights of entry and residence are conferred, as corollaries of the right of establishment, on nationals of the Member States.

The Court takes the view, however, that **rights of entry and residence are not absolute privileges** granted to Polish, Czech and Bulgarian nationals, and that the exercise of those rights may be limited by the rules of the Member States. That said, those domestic

immigration rules must not nullify or impair the benefits accruing to such nationals under the right of establishment provided for by the agreements.

The Court of Justice, called to rule on the compatibility of national immigration legislation with the requirements of the three association agreements concerned, has thus set out the following principles:

- a Member State cannot refuse entry or residence to a national of one of the States concerned, with a view to his establishment, on grounds of his nationality or his country of residence, or because a general limitation on immigration is provided for, nor can it make the right to take up an activity as a self-employed person subject to economic considerations relating to the labour market;

- it is necessary to determine whether the activity contemplated in the host Member State by persons entitled under the provisions of the association agreements is indeed an activity pursued in a self-employed capacity and not an activity carried out in an employed capacity. **Implementation of a national system of prior control as to the exact nature of the activity contemplated** (an evaluation of adequate financial resources and reasonable chances of success carried out through detailed investigations) is thus compatible with the association agreements;

- in contrast, a Polish, Czech or Bulgarian national who makes false representations and circumvents the relevant controls by asserting that he wishes to enter a Member State for purposes of tourism, although in fact intending to take up an economic activity, places himself outside the sphere of protection recognised by the association agreements: a Member State may in that case reject his application and insist that he submit **a new application in due and proper form** by applying for an entry visa to the competent authorities in his State of origin or another State, **provided that this does not prevent him from having his situation reviewed at a later date**;

- the measures taken by the national authorities must not, however, adversely affect the very substance of the rights of entry, stay and establishment of those nationals, who also enjoy fundamental rights (such as the right to respect for family life and the right to respect for property) which follow from the European Convention for the Protection of Human Rights and Fundamental Freedoms.

2. Contribution on infringement cases

Against the background of the three Court decisions of 27.9.2001 on the direct applicability of certain provisions of the Europe Agreements with Central and Eastern Europe candidate countries, the Commission received an increasing number of complaints concerning alleged infringements of the Europe Agreements. These complaints concern mainly individual cases regarding the right of establishment as self-employed workers or persons setting up or managing companies and the relation to the practical application of national laws and regulations regarding entry, stay and establishment by authorities and courts in Austria, Germany, Sweden and Denmark. One other complaint by a Polish national concerning the non-issuing of working permits for Polish workers by the Dutch authorities has been closed as unfounded.

Although accession negotiations were concluded in December 2002 and accession of ten new Member States by 1 May 2004 is on its way, the Europe Agreements will remain in force until the day of accession.

2.19. COMMUNITY STATISTICS

In the statistical field, the application of Community legislation posed no particular problems, though eight infringement proceedings were commenced in 2002, six of them for failure to notify measures transposing a directive and one for incorrect application of Community law.

In agricultural statistics, six Member States (France, Luxembourg, Belgium, Spain, Sweden and Ireland) had not notified the Commission of national measures transposing Directive 2001/109/EC.¹⁸² The Commission served letters of formal notice to act on these Member States. By and large the delays tend to be linked to the internal institutional and administrative structure of the Member States.

The Commission terminated infringement proceedings against France, Spain, Sweden and Ireland following the notification of national measures.

The internal administrative and legislative process is nearing completion in Luxembourg and Belgium.

Regarding statistics on transport of goods by road, the Commission commenced infringement proceedings against Greece for incorrect application of Council Regulation (EC) No 1172/98.¹⁸³ Despite the obligation provided for by that Regulation, Greece has provided no quarterly figures for 1999, 2000 and 2001.

ⁱ Affaire C-415/02.

¹⁸² Parliament and Council Directive 2001/109/EC of 19 December 2001 concerning the statistical surveys to be carried out by the Member States in order to determine the production potential of plantations of certain species of fruit trees: OJ L13, 16.1.2002, p. 21.

¹⁸³ Council Regulation (EC) No 1172/98 of 25 May 1998 on statistical returns in respect of the carriage of goods by road: OJ L163, 6.6.1998, p. 1.

Annex I

Detection of infringement cases

Table 1.1. Means of detection of infringements

(Situation on 31 December 2002)

Year	Complaints ¹	Cases		detected by the		Commission Petitions	Failure to notify ²	Total
		Total	Parliamentary questions	Parliamentary questions	Petitions			
1996	819	257	22	22	4	1079	2155	
1997	957	261	13	13	4	760	1978	
1998	1128	396	18	18	7	610	2134	
1999	1305	288	16	16	10	677	2270	
2000	1225	313	15	15	5	896	2434	
2001	1300	272	5	5	1	607	2179	
2002	1431	318	30	30	20	607	2356	

(1) In 2001 complaints accounted for 60.74% of all infringements detected, as against 59.66% in 2001.

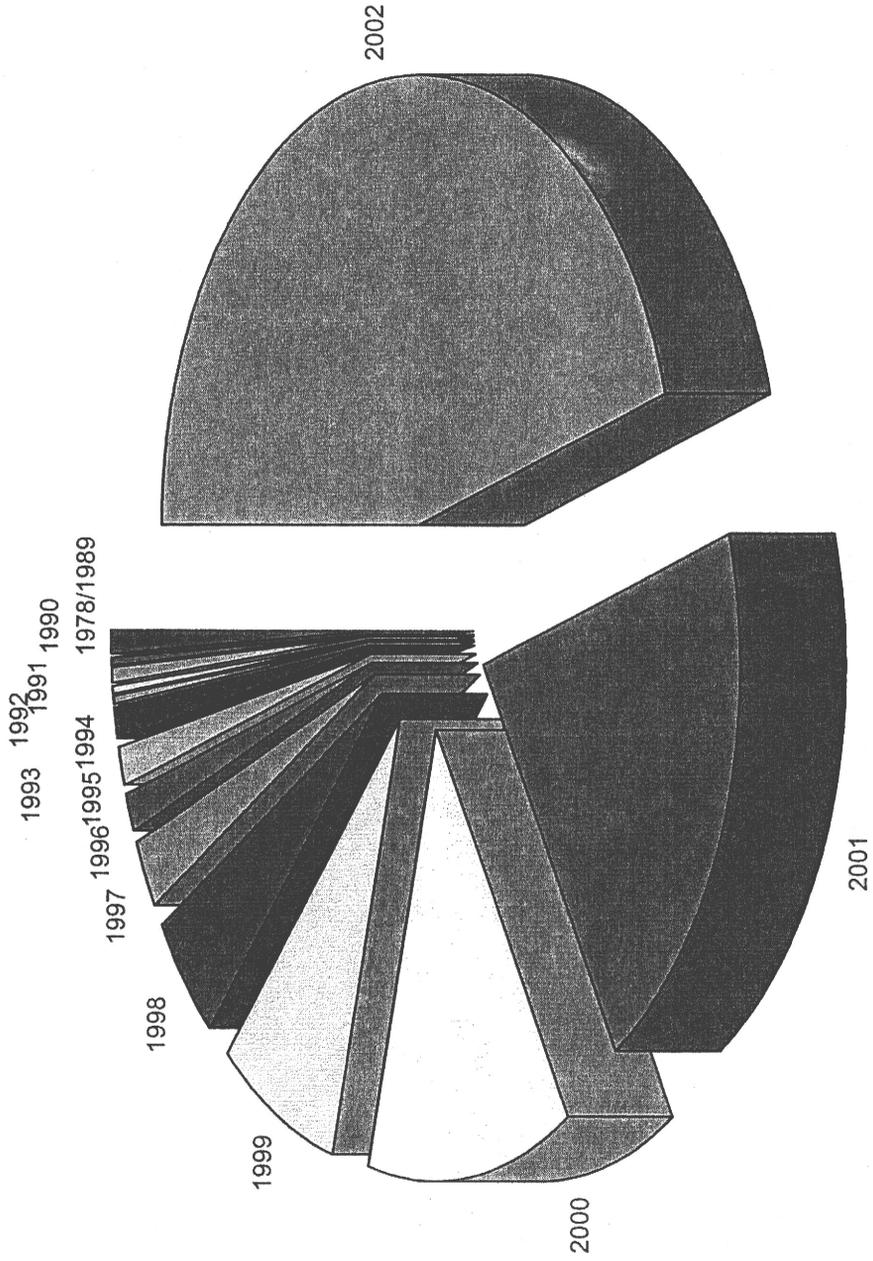
(2) Failure to notify: this category includes failure to notify national measures implementing directives and failure to notify technical standards under Directive 98/34/EC

Table 1.2. Cases in motion on 31 December 2002 by year of commencement

Opened in	In motion on 31.12.2002		Complaints	Detected by the Commission	Failure to notify
2002	2356	1604	1028	248	328
2001	2179	747	516	136	95
2000	2434	454	291	121	42
1999	2270	263	173	77	13
1998	2134	168	85	74	9
1997	1977	84	54	23	7
1996	2151	53	27	25	1
1995	1853	52	25	26	1
1994	2396	39	12	25	2
1993	2336	12	3	8	1
1992	2509	7	4	3	0
1991	2184	15	2	13	0
1990	2343	16	4	12	0
1978/1989	8049	27	1	19	7
Total	37171	3541	2225	810	506

¹ Cases in motion are cases opened in response to a complaint, cases detected by the Commission or failure to notify, whether or not infringement proceedings have been commenced.

Table 1.2 Cases in motion on 31 December 2002, by year of commencement (chart)



1.3. Cases opened in 2002 - breakdown by Member State

1.3.1. Cases detected by the Commission in 2002, by Member State

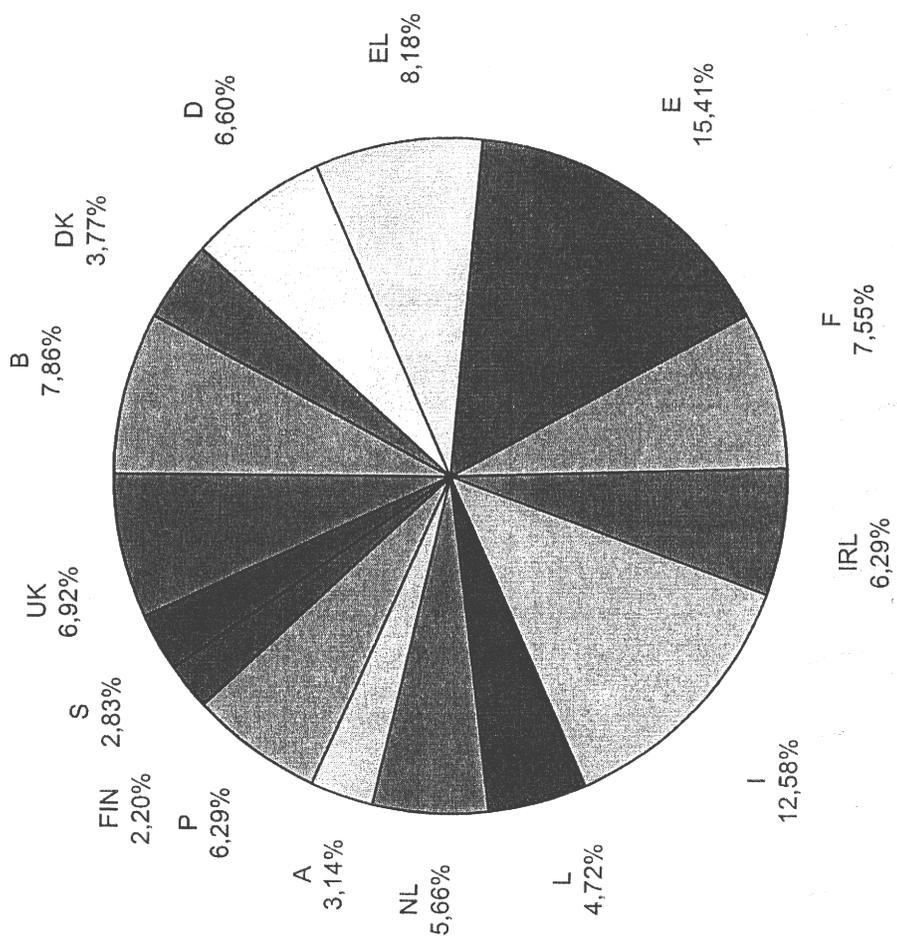
	opened	In motion	
	318	31.12.2002	
Total:	318	248	
B	25	7,86%	20
DK	12	3,77%	8
D	21	6,60%	16
EL	26	8,18%	21
E	49	15,41%	41
F	24	7,55%	19
IRL	20	6,29%	15
I	40	12,58%	33
L	15	4,72%	11
NL	18	5,66%	15
A	10	3,14%	8
P	20	6,29%	14
FIN	7	2,20%	6
S	9	2,83%	6
UK	22	6,92%	15
			6,05%

1.3. Cases opened in 2002 - breakdown by Member State

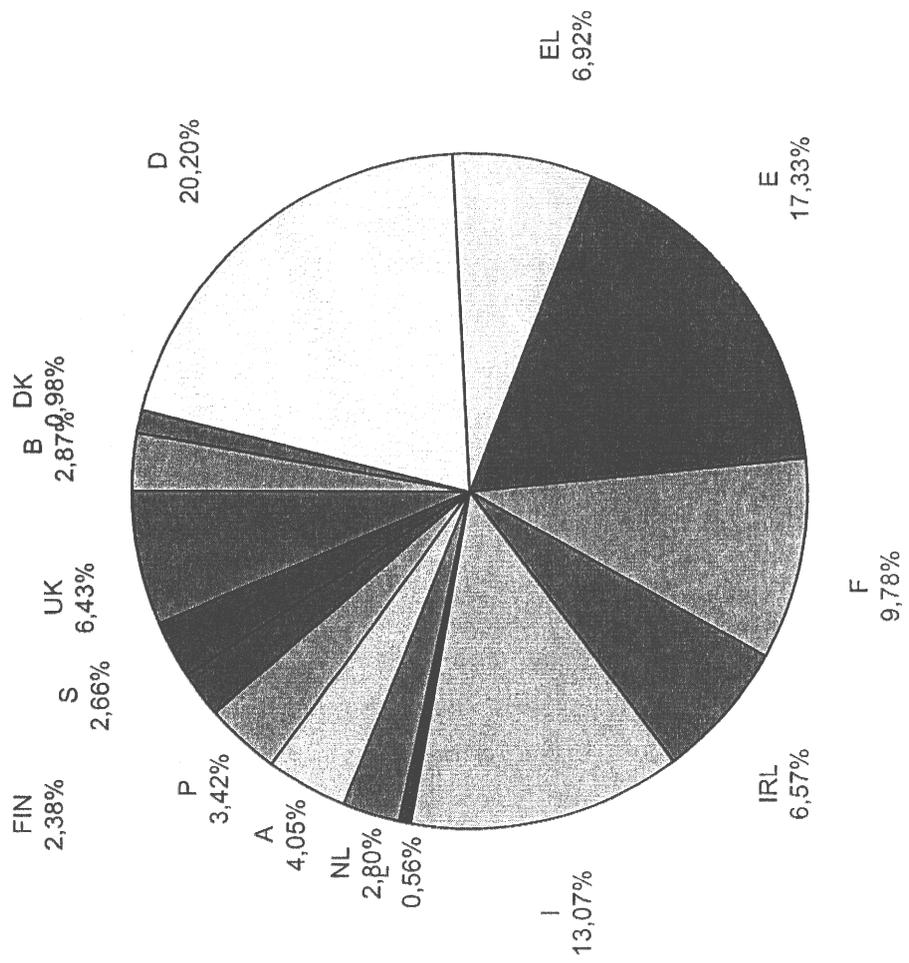
1.3.2. Complaints received in 2002, by Member State

	received	In motion on 31/12/2002
Total:	1431	1028
B	41	24
	2,87%	2,33%
DK	14	11
	0,98%	1,07%
D	289	161
	20,20%	15,66%
EL	99	80
	6,92%	7,78%
E	248	185
	17,33%	18,00%
F	140	107
	9,78%	10,41%
IRL	94	75
	6,57%	7,30%
I	187	139
	13,07%	13,52%
L	8	8
	0,56%	0,78%
NL	40	34
	2,80%	3,31%
A	58	40
	4,05%	3,89%
P	49	44
	3,42%	4,28%
FIN	34	24
	2,38%	2,33%
S	38	29
	2,66%	2,82%
UK	92	67
	6,43%	6,52%

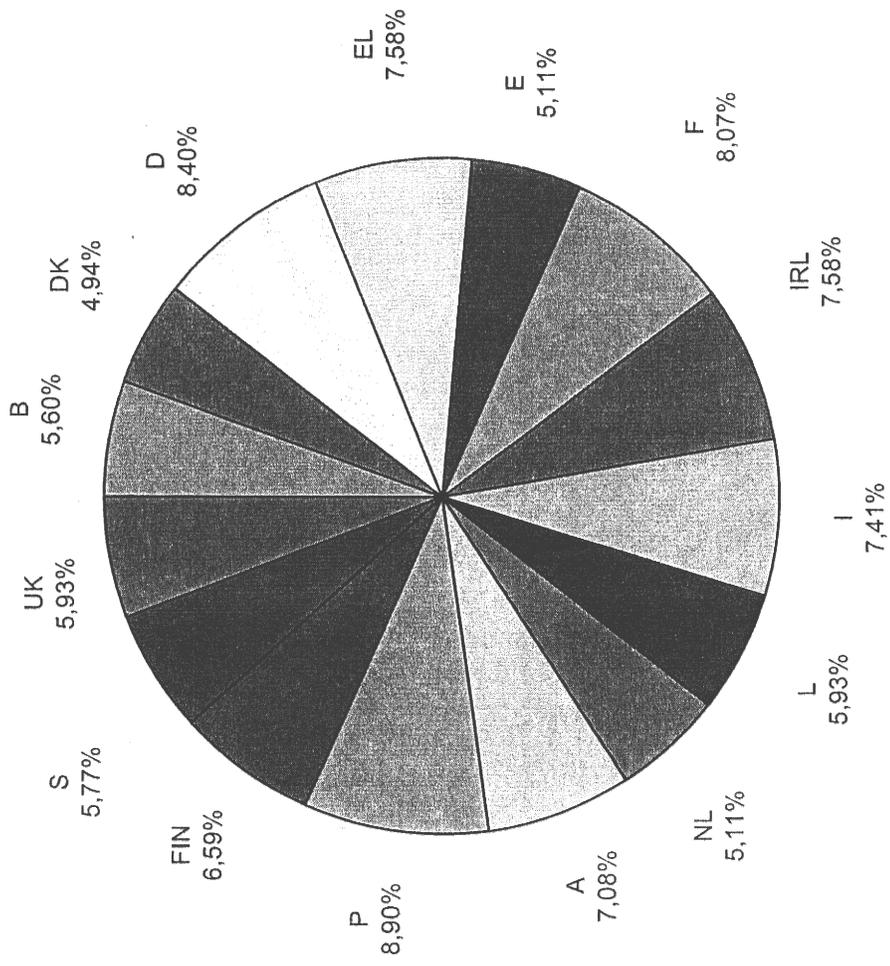
1.3.1 Cases detected by the Commission in 2002, by Member State (chart)



1.3.2. Complaints received in 2002, by Member State (chart)



1.3.3. Cases opened in 2002 for failure to notify, by Member State (chart)



1.4. Breakdown by sector of cases opened in 2002

1.4.2. Complaints received in 2002, by sector

	received	in motion at 31/12/2002
Total:	1431	1028
Environment	549	435
Internal market	354	241
Health, consumer protection	123	60
Enterprise	22	17
Taxation, Customs union	122	77
Energy and Transport	28	19
Employment, Social affairs	89	73
Agriculture	46	34
Justice, Home affairs	21	13
Competition	21	17
Information society	11	10
Fisheries	4	1
Legal service	3	3
Economic and financial affairs	11	5
Education and culture	7	7
Enlargement	4	4
Administration	1	1
Regional policies	13	9
OLAF	1	1
Secretariat-General	1	1

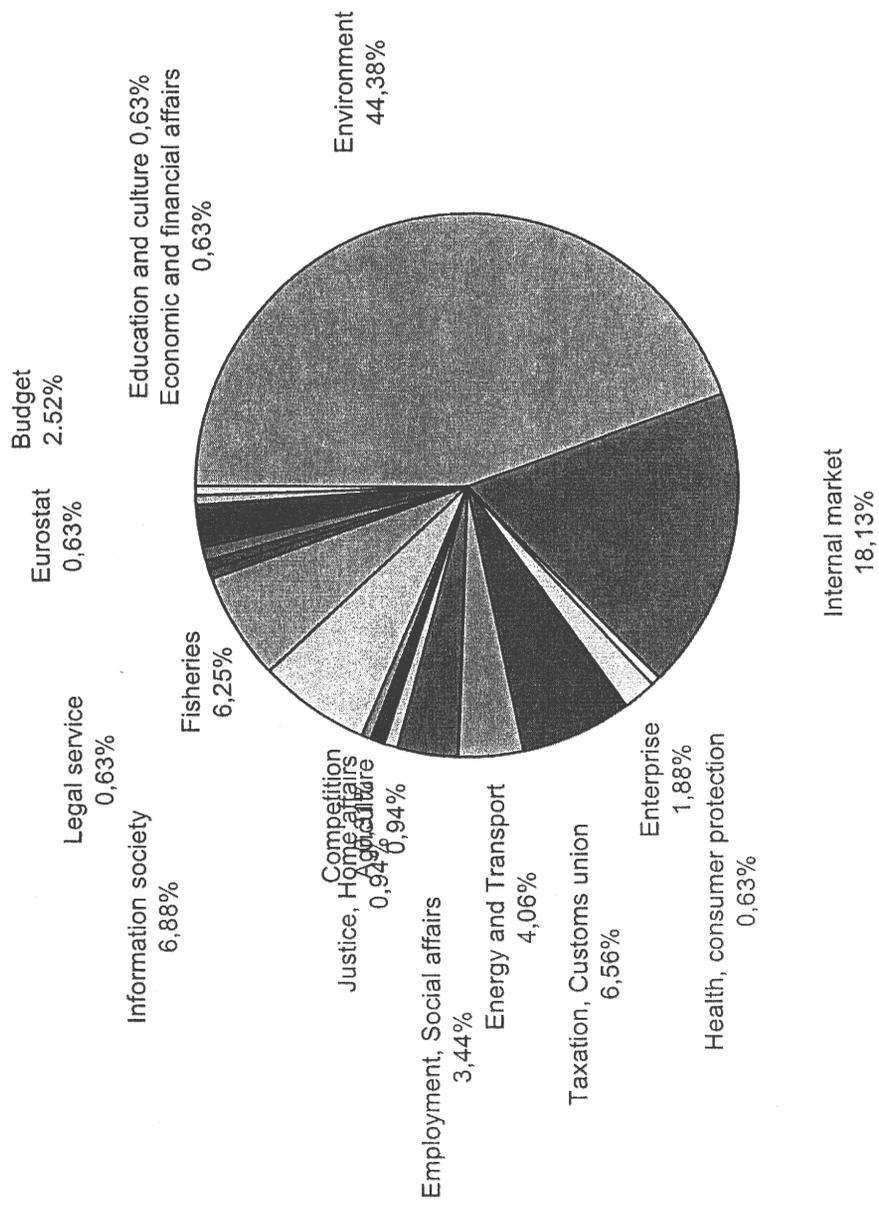
1.4. Breakdown by sector of cases opened in 2002

1.4.3. Cases opened in 2002 for failure to notify, by sector (failure to notify national measures to implement directives or technical standards under Directive 98/34/EC)

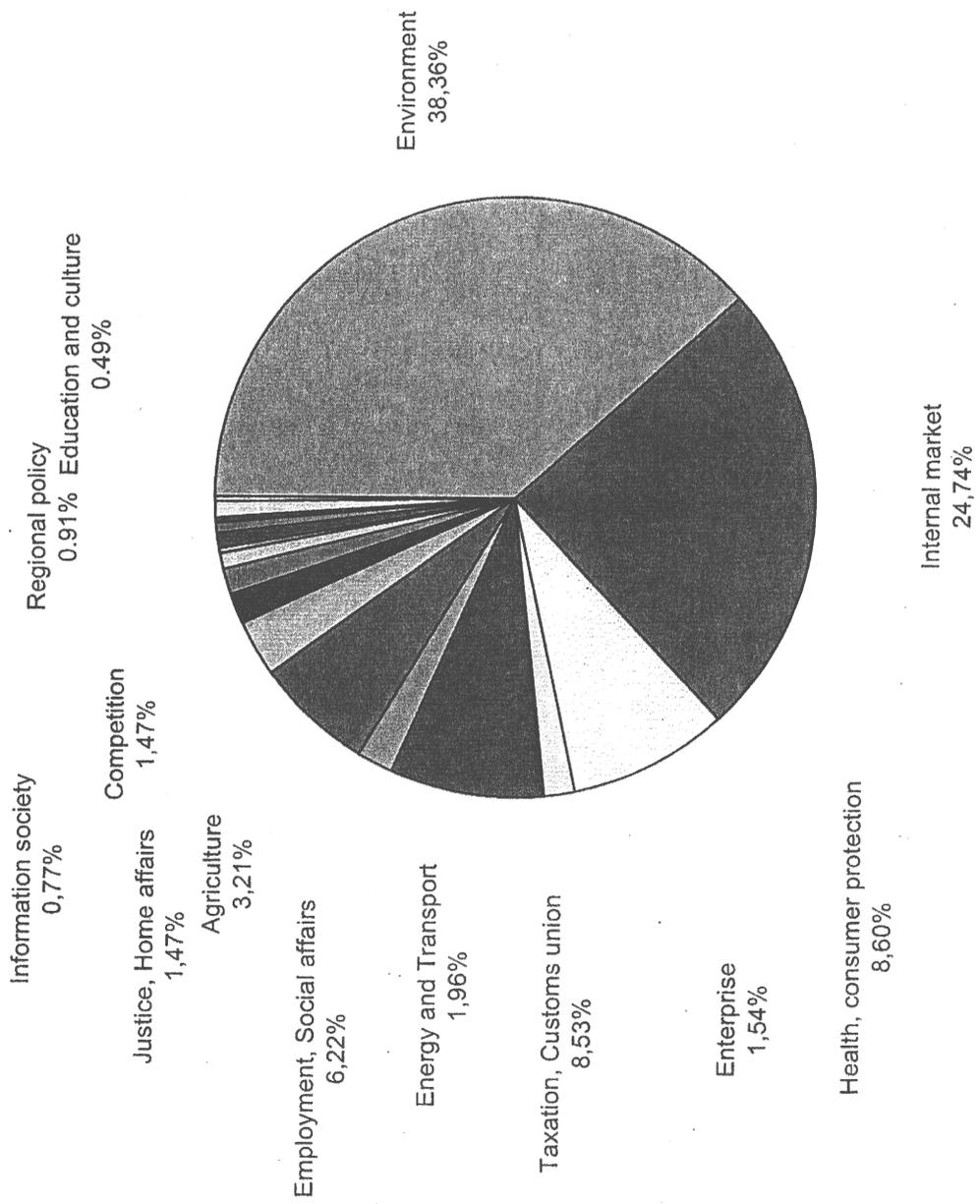
	open	in motion at 31/12/2002	
	607	328	
Total:			
Environment	57	41	12,50%
Internal market	51	34	10,37%
Health, consumer protection	207	99	30,18%
Enterprise	172	101	30,79%
Taxation, Customs union	27	6	1,83%
Energy and Transport	59	31	9,45%
Employment, Social affairs	28	14	4,27%
Eurostat	6	2	0,61%
Justice, Home affairs	-	-	- %
Agriculture	-	-	- %

	Number of directives (deadline for transposal in 2002)	
	101	
Environment	9	8,91%
Internal market	10	9,90%
Health, consumer protection	47	46,53%
Enterprise	16	15,84%
Taxation, Customs union	4	3,96%
Energy and Transport	11	10,89%
Employment, Social affairs	1	0,99%
Eurostat	1	0,99%
Justice, Home affairs	1	0,99%
Agriculture	1	0,99%

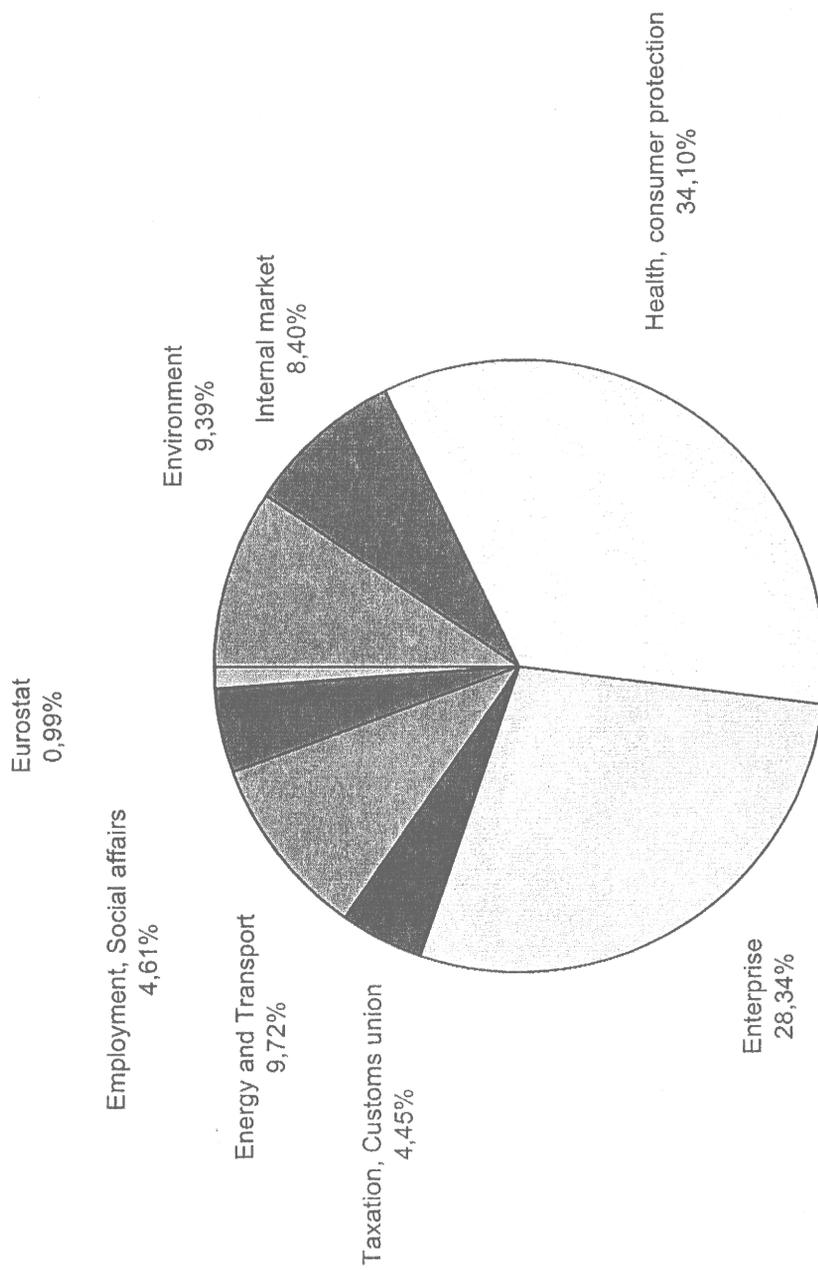
1.4.1. Cases opened by Commission on own initiative in 2002, by sector



1.4.2. Complaints received in 2002, by sector



1.4.3. Cases opened in 2002 for failure to notify, by sector



ANNEX II

**Infringement proceedings - breakdown by stage reached,
legal basis, Member State and sector**

Table 2.2. Infractions for which proceedings have been commenced, by Member State, stage and legal basis

	1998						2000						2001						2002						
	Total	Failure to notify	Directives Non-conformity	Incorrect application	Treaties, Regulations, Decisions	Total	Failure to notify	Directives Non-conformity	Incorrect application	Treaties, Regulations, Decisions	Total	Failure to notify	Directives Non-conformity	Incorrect application	Treaties, Regulations, Decisions	Total	Failure to notify	Directives Non-conformity	Incorrect application	Treaties, Regulations, Decisions	Total	Failure to notify	Directives Non-conformity	Incorrect application	Treaties, Regulations, Decisions
B	86	45	10	14	19	80	43	10	13	14	92	64	6	11	11	87	44	1	23	19	59	34	1	12	12
FN	78	41	10	11	16	70	34	6	8	5	74	25	7	7	0	44	25	7	7	5	40	17	1	11	12
RO	20	4	0	2	2	12	9	2	4	2	8	3	0	3	0	13	6	4	3	0	8	4	0	3	1
DK	40	28	0	2	2	49	32	0	0	6	64	45	2	3	0	38	28	2	3	5	40	30	1	4	5
FN	10	4	0	0	0	14	4	0	0	0	10	3	0	4	1	10	3	0	4	1	10	3	1	2	4
RO	38	24	0	2	2	35	28	0	0	6	54	42	2	0	0	28	25	2	0	4	30	27	0	2	1
DK	16	16	8	21	1	34	17	7	21	9	92	51	7	23	11	73	44	0	24	5	91	52	4	17	18
FN	8	4	0	0	0	12	6	1	1	5	20	12	0	4	4	39	22	4	4	4	42	23	4	7	8
RO	8	12	8	17	1	30	12	5	6	5	40	20	4	4	1	39	22	4	4	0	16	7	6	3	3
DK	5	1	0	3	1	9	4	1	3	3	11	4	2	4	0	12	4	4	0	0	4	2	0	0	0
FN	95	58	8	12	12	88	60	4	12	12	115	89	4	10	12	83	50	3	18	12	76	47	4	19	6
RO	51	34	2	6	9	48	34	6	7	16	55	24	2	5	4	71	54	1	8	8	43	27	1	13	2
DK	16	3	0	8	1	14	11	1	2	0	23	18	1	2	2	16	12	1	3	0	17	8	0	6	3
FN	28	31	4	28	15	72	40	5	16	11	93	45	4	31	12	65	30	2	27	6	84	32	6	39	7
RO	36	15	3	7	0	21	4	4	1	2	32	10	1	14	7	37	16	4	14	3	33	10	6	15	2
DK	6	3	2	0	0	7	2	4	1	0	8	2	1	3	2	14	6	0	7	1	11	7	1	2	1
FN	121	49	14	26	32	86	46	3	12	25	110	64	8	17	21	74	36	7	21	10	83	50	8	14	11
RO	84	43	6	22	6	61	21	11	5	5	43	20	6	3	14	50	21	4	13	12	53	27	9	9	8
DK	63	7	3	8	5	35	13	2	9	11	27	11	5	6	5	22	12	3	5	2	31	11	2	16	2
FN	23	46	0	11	4	67	45	3	14	5	91	69	0	20	2	80	42	2	24	12	71	47	2	21	3
RO	46	39	0	4	3	32	23	4	4	2	27	17	2	6	2	50	31	2	13	4	34	24	7	3	3
DK	10	9	1	0	0	15	10	1	2	2	17	13	1	2	1	13	10	1	2	0	9	4	2	2	1
FN	110	46	10	25	27	85	57	4	15	5	118	61	15	30	12	96	44	6	31	15	98	45	7	34	12
RO	91	45	6	22	16	41	21	8	7	5	50	24	4	17	5	53	23	8	17	5	54	27	3	15	9
DK	16	14	0	1	1	32	15	4	5	8	24	6	5	6	7	22	8	5	5	4	23	9	6	6	2
FN	62	54	3	2	2	65	48	10	6	4	78	67	1	6	4	50	37	4	3	6	46	36	2	5	3
RO	39	30	1	6	2	38	33	5	0	0	40	24	7	6	3	33	25	2	4	2	23	19	1	1	2
DK	11	9	0	0	2	18	16	2	0	0	16	13	0	3	0	10	3	2	3	2	12	9	2	1	2
FN	28	15	2	6	5	68	50	2	6	10	64	44	3	13	4	53	41	2	7	5	54	31	2	11	10
RO	23	12	3	3	5	16	13	0	2	1	16	8	2	3	3	25	15	2	5	5	17	10	8	1	4
DK	3	0	0	0	0	1	0	1	0	0	1	0	0	0	0	5	0	2	0	0	7	1	1	1	1
FN	76	43	14	11	8	85	49	12	7	17	85	61	13	9	2	80	47	13	13	7	63	43	3	9	8
RO	38	25	3	6	4	37	24	4	5	4	33	15	6	3	9	44	26	11	6	1	42	25	6	4	7
DK	4	1	0	2	1	9	7	2	0	0	8	5	1	0	2	7	3	3	0	0	15	7	6	2	2
FN	80	53	5	12	10	87	63	4	12	8	120	97	3	16	4	73	49	2	14	8	75	54	3	12	6
RO	57	37	5	10	5	50	37	4	5	4	46	31	4	10	1	38	24	1	10	3	40	29	7	7	4
DK	5	0	0	2	3	13	7	3	2	3	10	8	0	0	2	7	4	0	3	0	10	5	2	3	4
FN	52	29	7	9	7	44	35	2	3	3	63	57	2	3	1	61	41	10	3	7	53	40	1	8	4
RO	16	8	1	6	1	5	0	0	0	0	14	8	0	0	2	2	2	0	0	0	23	11	8	3	1
DK	1	0	0	0	0	0	0	0	0	0	4	0	0	0	0	2	0	0	0	0	2	0	0	0	0
FN	54	34	7	6	7	57	44	6	5	2	72	56	3	3	10	58	36	5	7	10	50	35	2	7	6
RO	15	8	2	2	3	14	7	4	2	1	13	8	4	1	0	14	5	1	5	3	12	4	5	2	1
DK	1	0	0	0	0	1	0	1	0	0	3	2	0	0	0	3	1	2	0	0	1	1	1	1	1
FN	66	39	12	9	6	61	46	2	7	6	70	54	5	7	0	79	46	3	23	7	52	38	3	7	4
RO	35	22	6	3	4	33	21	4	5	3	30	19	1	8	2	45	32	4	7	2	28	16	2	10	3
DK	1	0	0	0	0	8	5	1	0	2	4	1	0	2	1	14	11	1	1	1	16	10	3	3	3
FN	1101	615	107	201	178	1317	706	78	155	136	1317	925	76	202	114	1050	615	62	239	134	995	614	47	219	115
TOTAL	675	384	59	119	113	460	260	68	86	44	460	243	55	97	65	569	334	56	125	54	487	270	46	107	64
Ref	123	60	5	31	27	178	95	29	24	30	172	95	18	36	23	162	82	28	37	15	180	82	25	52	21

FN Formal notice

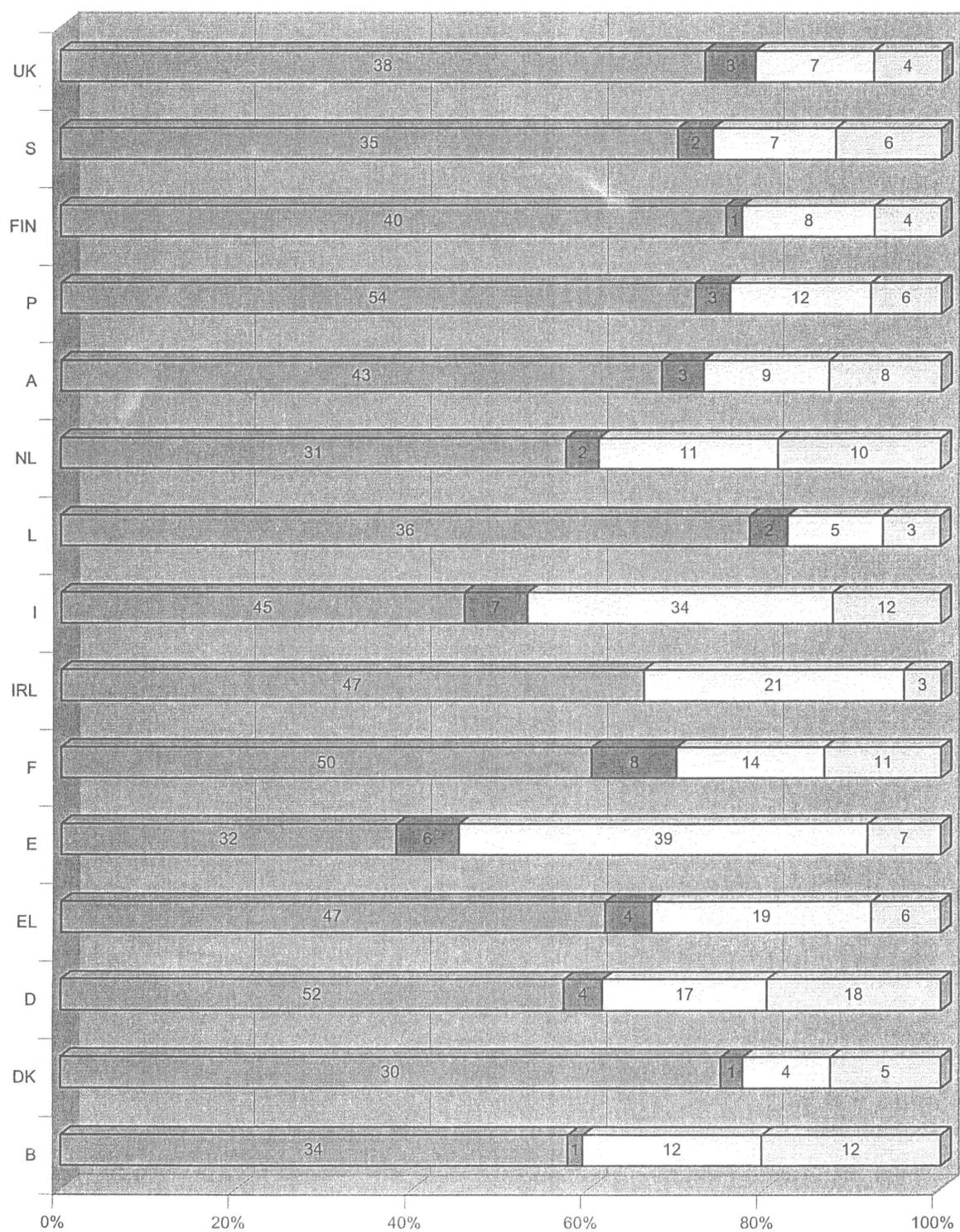
RO Reasoned opinion

Ref Referral to Court

**Table 2.1.
Infringements for which proceedings were commenced, by stage and Member State**

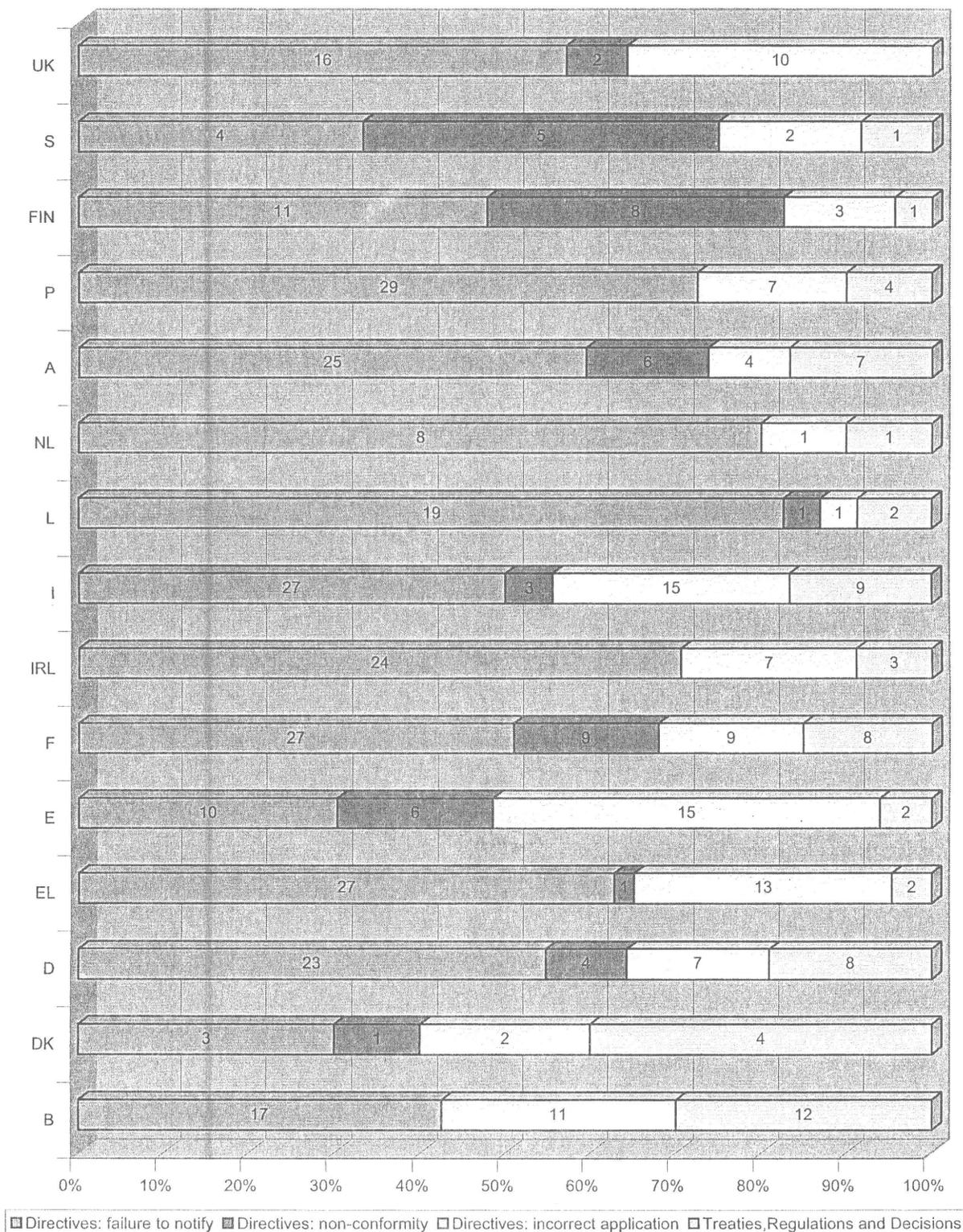
Member States	Formal notice					Reason opinions					Referrals to Court				
	1998	1999	2000	2001	2002	1998	1999	2000	2001	2002	1998	1999	2000	2001	2002
B	88	80	92	87	59	78	30	34	44	40	20	15	5	13	8
DK	40	46	54	38	40	10	4	7	10	10	1	1	0	2	2
D	88	84	92	73	91	46	30	40	39	42	5	9	11	12	16
EL	95	88	115	83	76	51	48	35	71	43	16	14	23	16	17
E	78	72	93	65	84	36	21	32	37	33	6	7	8	14	11
F	121	86	110	74	83	94	61	43	50	53	23	35	27	22	31
IRL	63	67	91	80	71	46	32	27	50	34	10	15	17	13	9
I	110	85	118	96	98	91	41	50	53	54	16	32	24	22	23
L	62	65	78	50	46	39	38	40	33	23	11	18	16	10	12
NL	28	68	64	53	54	23	16	16	25	10	3	1	12	5	7
A	76	85	85	80	63	38	37	33	44	42	4	9	8	7	15
P	80	87	120	73	75	57	50	46	38	40	5	13	10	7	10
FIN	52	44	63	61	53	16	5	14	16	23	1	0	4	2	1
S	54	57	72	58	50	15	14	13	14	12	1	1	3	3	2
UK	66	61	70	79	52	35	33	30	45	28	1	8	4	14	16
Total	1101	1075	1317	1050	995	675	460	460	569	487	123	178	172	162	180

**Table 2.2.1. Letters of formal notice sent in 2002
by legal basis and Member State (chart)**

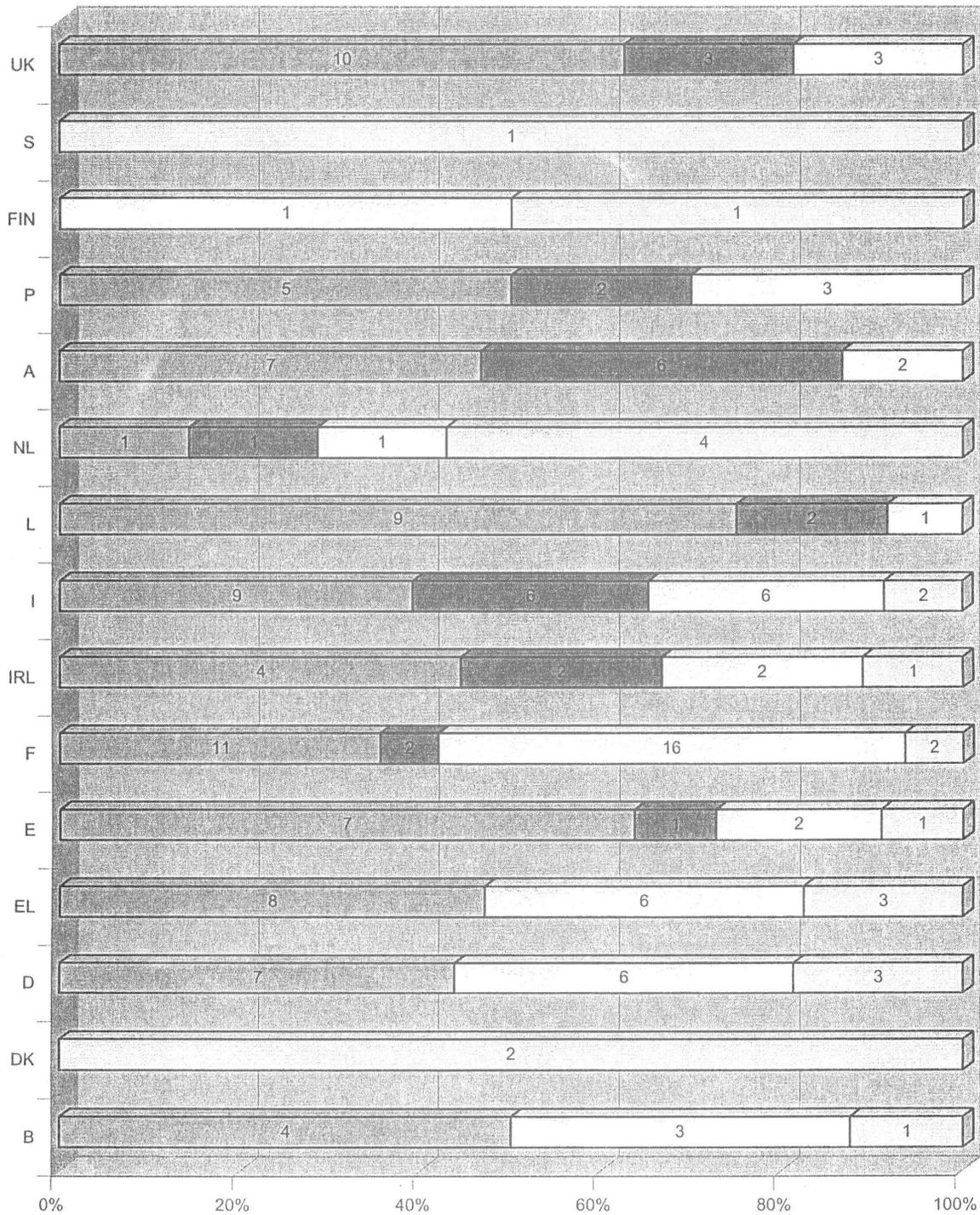


Directives: failure to notify
 Directives: non-conformity
 Directives: incorrect application
 Treaties, Regulations and Decisions

**Table 2.2.2. Reasoned opinions sent in 2002
by legal basis and Member State (chart)**



**Table 2.2.3. Cases referred to the Court of Justice in 2002
by legal base and Member State (chart)**



Directives: failure to notify
 Directives: non-conformity
 Directives: incorrect application
 Treaties, Regulations and Decisions

Table 2.3. Cases in motion: stage of procedure at 31/12/2002, by Member State

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Total	1695	47,87%	1000	28,24%	361	10,19%	62
B	191	5,39%	82	8,20%	20	5,54%	6
DK	76	2,15%	19	1,90%	4	1,11%	0
D	414	11,69%	92	9,20%	32	8,86%	3
EL	275	7,77%	78	7,80%	32	8,86%	9
E	526	14,85%	148	14,73%	26	7,20%	3
F	385	10,87%	199	11,74%	63	17,45%	10
IRL	219	6,18%	103	6,08%	20	5,54%	4
I	423	11,95%	192	11,33%	51	14,13%	12
L	90	2,54%	72	4,25%	20	5,54%	5
NL	156	4,41%	87	5,13%	15	4,16%	1
A	179	5,06%	121	7,14%	18	4,99%	2
P	182	5,14%	111	6,55%	16	4,43%	2
FIN	102	2,88%	57	3,36%	7	1,94%	1
S	100	2,82%	50	2,95%	3	0,83%	1
UK	223	6,30%	99	5,84%	34	9,42%	3

(1) = cases in motion on 31.12.2001 for which proceedings have been commenced and percentages of the total number of cases.

(2) = cases for which infringement proceedings have been commenced as a percentage of all cases concerning that Member State in motion on 31.12.2002.

(3) = cases for which a reasoned opinion has been sent and percentages of total cases.

(4) = cases for which reasoned opinions have been sent as a percentage of all cases concerning that Member State in motion on 31.12.2002.

(5) = cases which have been referred to the Court of Justice and percentages of total cases.

(6) = cases which have been referred to the Court of Justice as a percentage of all cases concerning that Member State in motion on 31.12.2002.

(7) = cases for which Article 228 proceedings have been commenced.

Table 2.3.1. Cases on motion on 31/12/2002 in which infringement proceedings have been commenced, by Member State (chart)

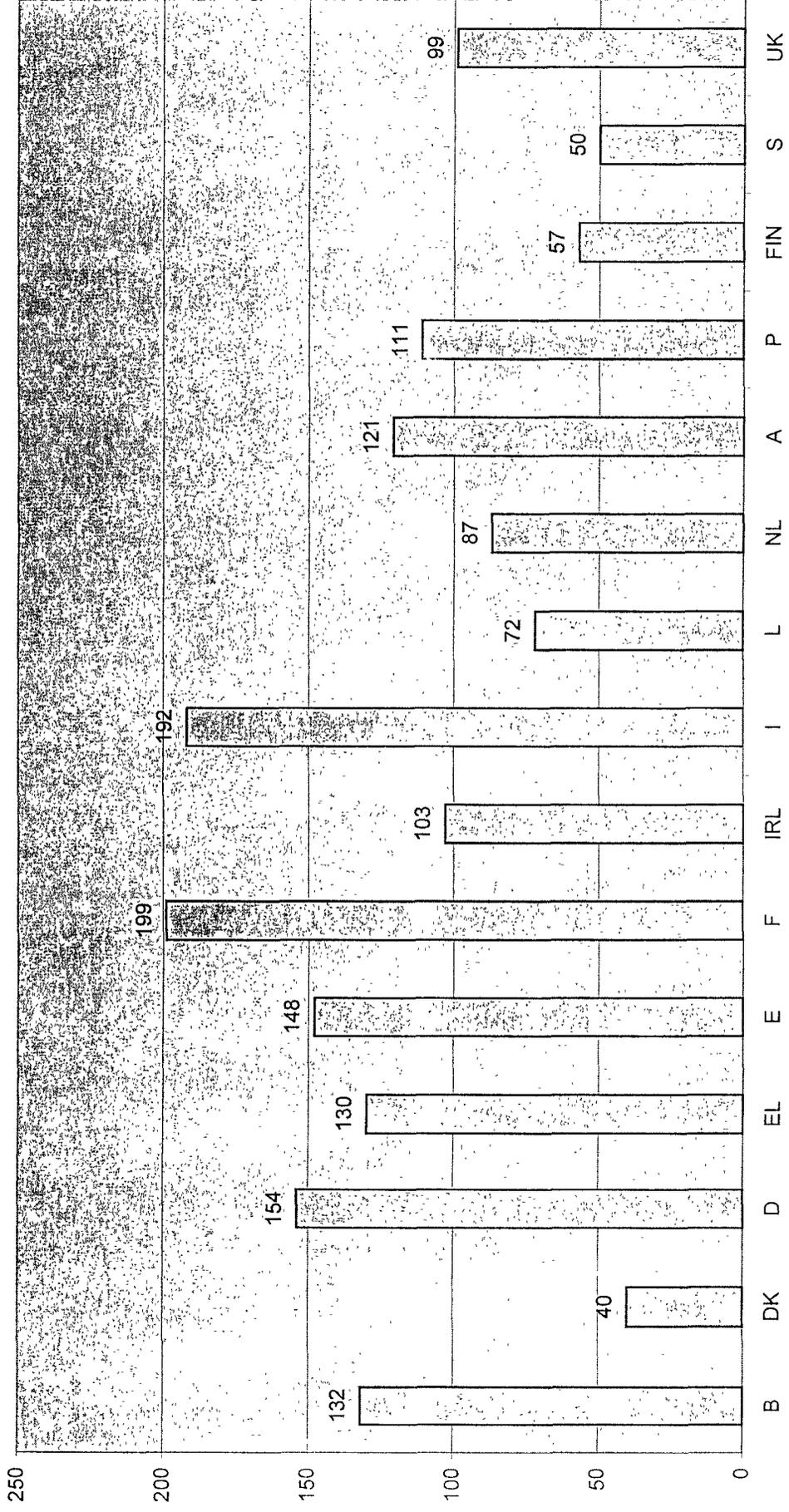


Table 2.3.2. Cases in motion on 31/12/2002 for which a reasoned opinion has been set, by Member State (chart)

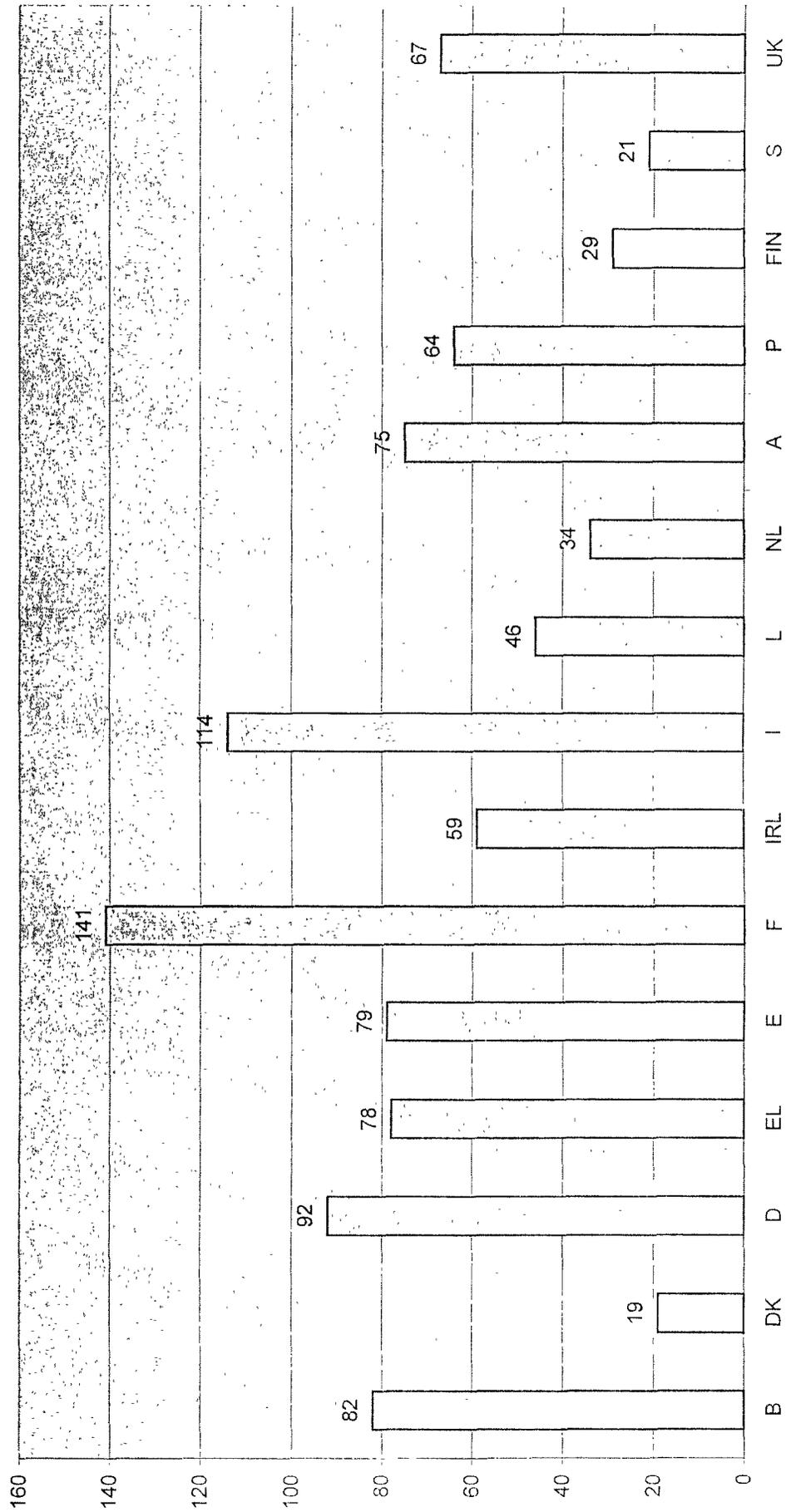


Table 2.3.3. Referrals in motion on 31/12/2002, by Member State (chart)

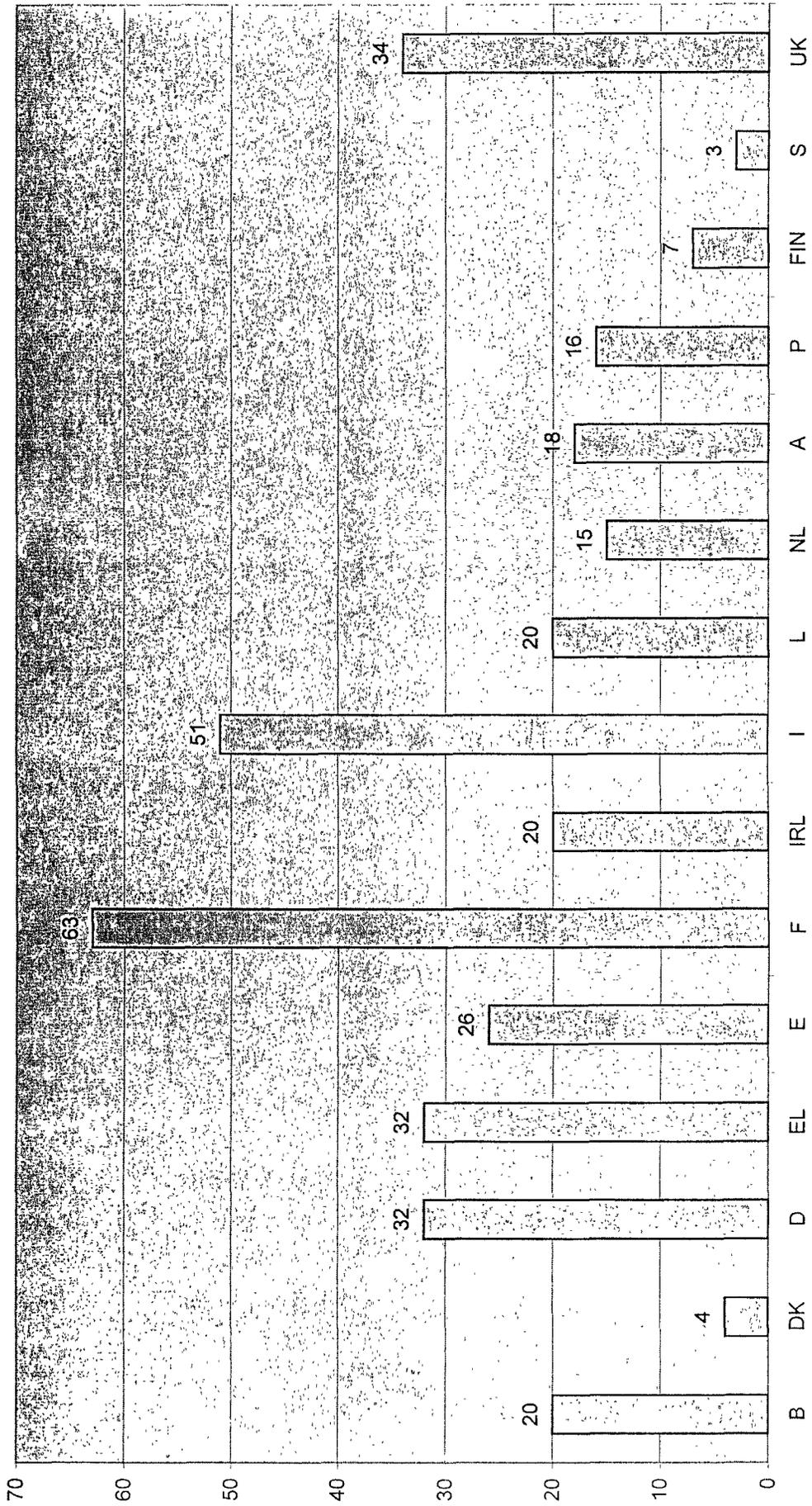


Table 2.3.4. Cases in motion at 31/12/2002 for which Article 228 proceedings are running, by Member State (chart)

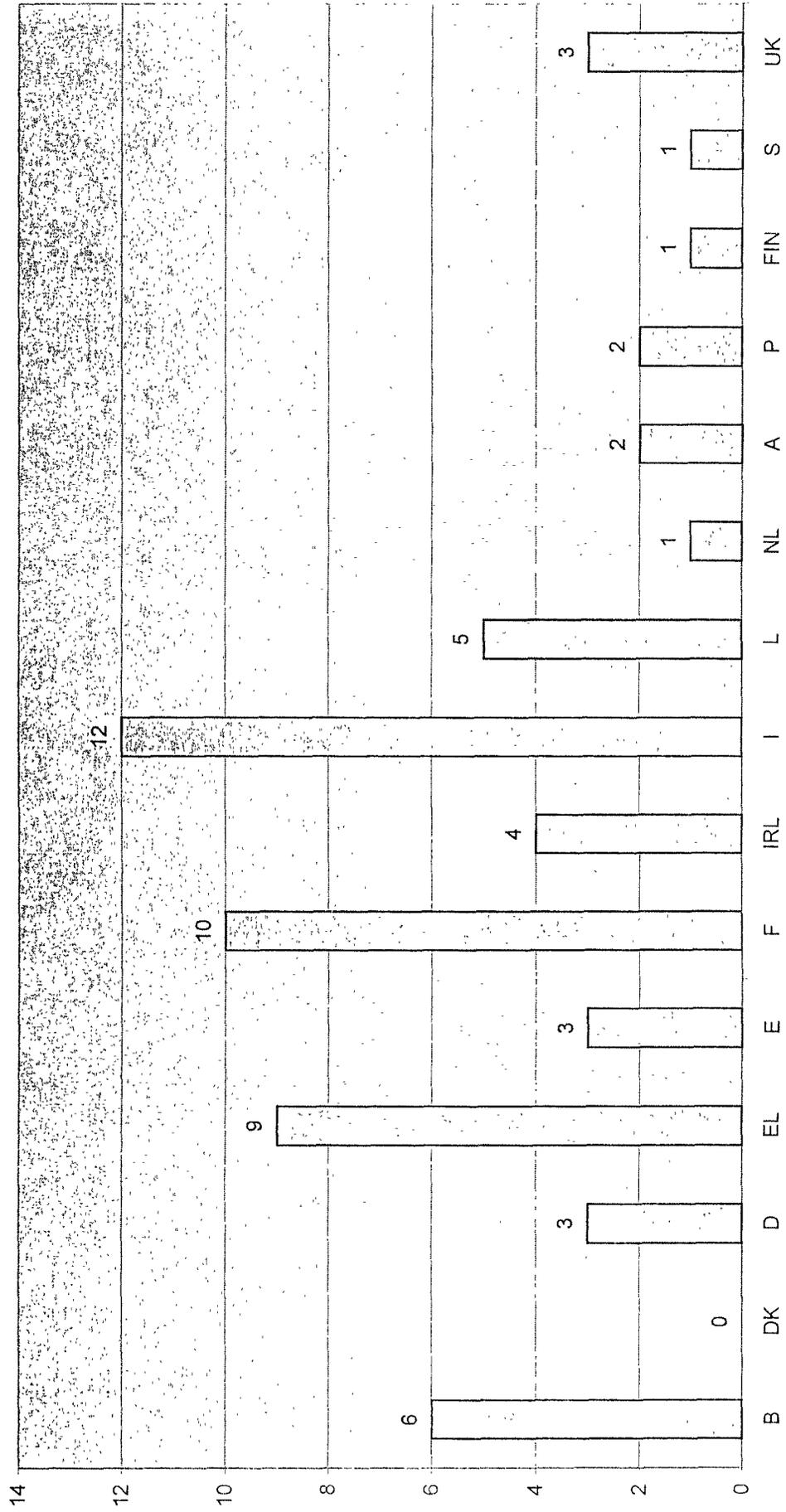


Table 2.4. Cases in motion at 31/12/2002, by sector

	total	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Total:	3541	1695	47,87%	1000	28,24%	361	10,19%	62
Environment	1378	505	29,79%	323	32,30%	149	41,27%	33
Internal market	749	374	22,06%	219	21,90%	67	18,56%	8
Agriculture	78	27	1,59%	22	2,20%	15	4,16%	0
Enterprise	185	151	8,91%	58	5,80%	9	2,49%	1
Employment, Social affairs	210	106	6,25%	63	6,30%	18	4,99%	4
Taxation, Customs union	238	114	6,73%	63	6,30%	21	5,82%	4
Energy and Transport	123	89	5,25%	63	6,30%	26	7,20%	4
Competition	53	15	0,88%	12	1,20%	3	0,83%	1
Information society	62	42	2,48%	29	2,90%	7	1,94%	0
Health, consumer protection	263	158	9,32%	98	9,80%	26	7,20%	6
Fisheries	55	41	2,42%	17	1,70%	8	2,22%	1
Economic and financial affairs	29	15	0,88%	8	0,80%	5	1,39%	0
Budget	26	25	1,47%	12	1,20%	5	1,39%	0
Education, Culture, Audiovisual	26	11	0,65%	3	0,30%	0	0,00%	0
Administration	3	0	0,00%	0	0,00%	0	0,00%	0
Enlargement	5	0	0,00%	0	0,00%	0	0,00%	0
Regional policies	12	1	0,06%	1	0,10%	0	0,00%	0
Justice, Home affairs	34	18	ANNEX II	9	0,90%	2	0,55%	0
Legal service	6	0	0,00%	0	0,00%	0	0,00%	0
Eurostat	4	3	0,18%	0	0,00%	0	0,00%	0
OLAF	1	0	0,00%	0	0,00%	0	0,00%	0
Secretariat-General	1	0	0,00%	0	0,00%	0	0,00%	0

(1) = cases in motion on 31.12.2001 for which proceedings have been commenced and percentages of the total number of cases.

(2) = cases for which infringement proceedings have been commenced as a percentage of all cases concerning that Member State in motion on 31.12.2002.

(3) = cases for which a reasoned opinion has been sent and percentages of total cases.

(4) = cases for which reasoned opinions have been sent as a percentage of all cases concerning that Member State in motion on 31.12.2002.

(5) = cases which have been referred to the Court of Justice and percentages of total cases.

(6) = cases which have been referred to the Court of Justice as a percentage of all cases concerning that Member State in motion on 31.12.2002.

(7) = cases for which Article 228 proceedings have been commenced.

Tableau 2.4.1. Cases in motion on 31.12.2002 for which infringement proceedings have been commenced, by sector

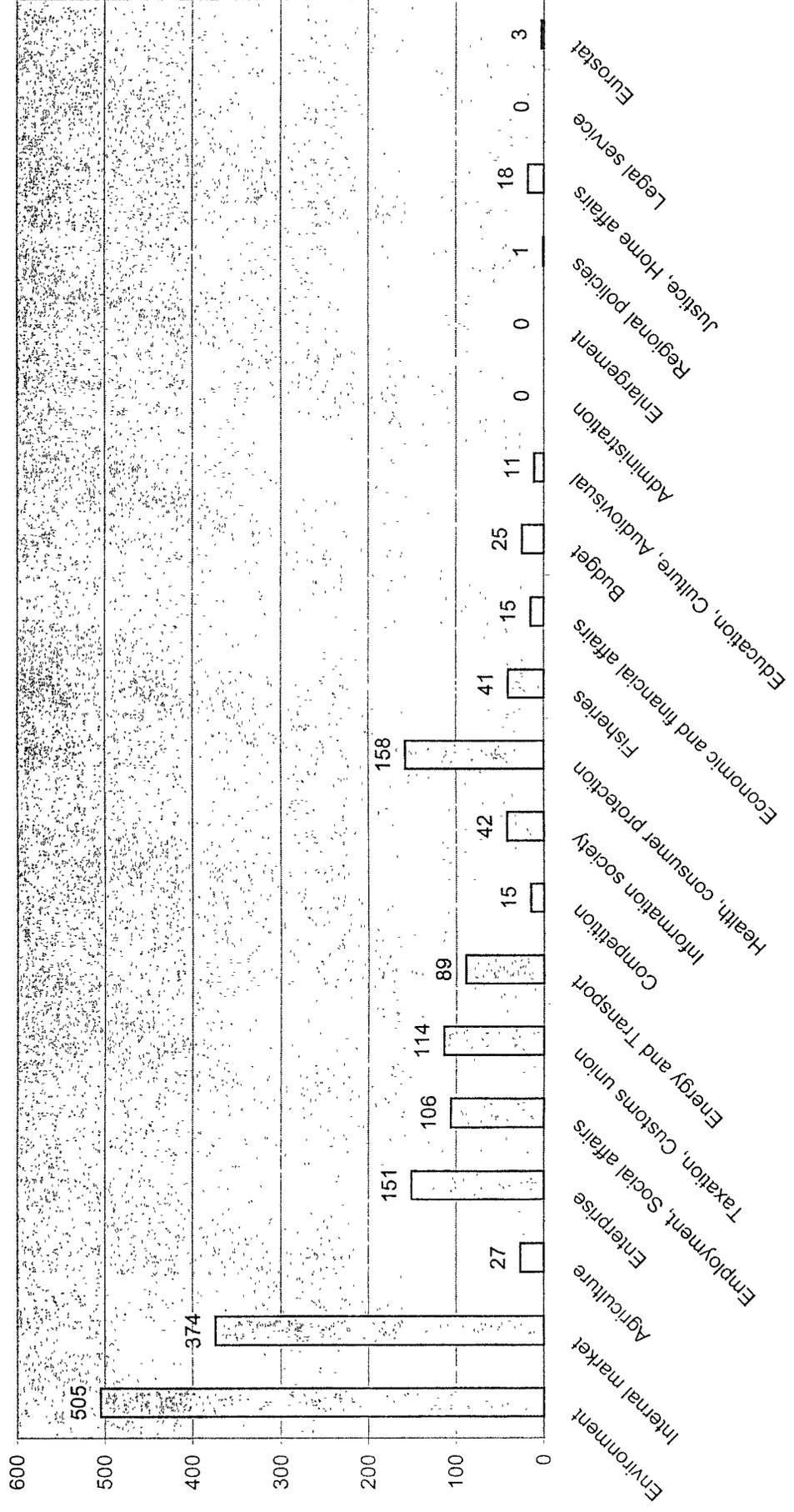


Tableau 2.4.2. Cases in motion on 31.12.2002 for which a reasoned opinion has been sent, by sector
(chart)

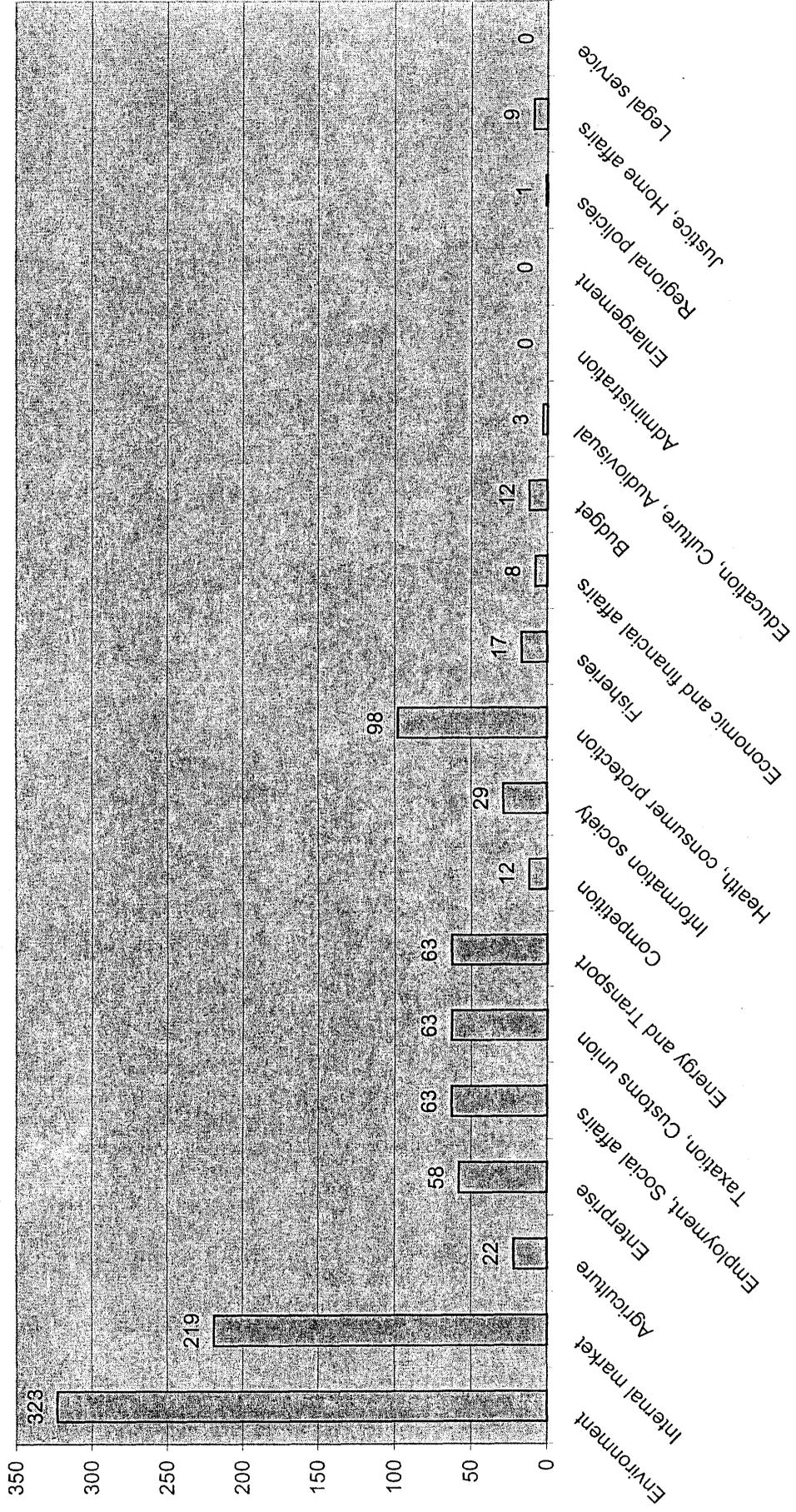


Tableau 2.4.3 Cases in motion on 31.12.2002 which have been referred to the Court of Justice, by sector (chart)

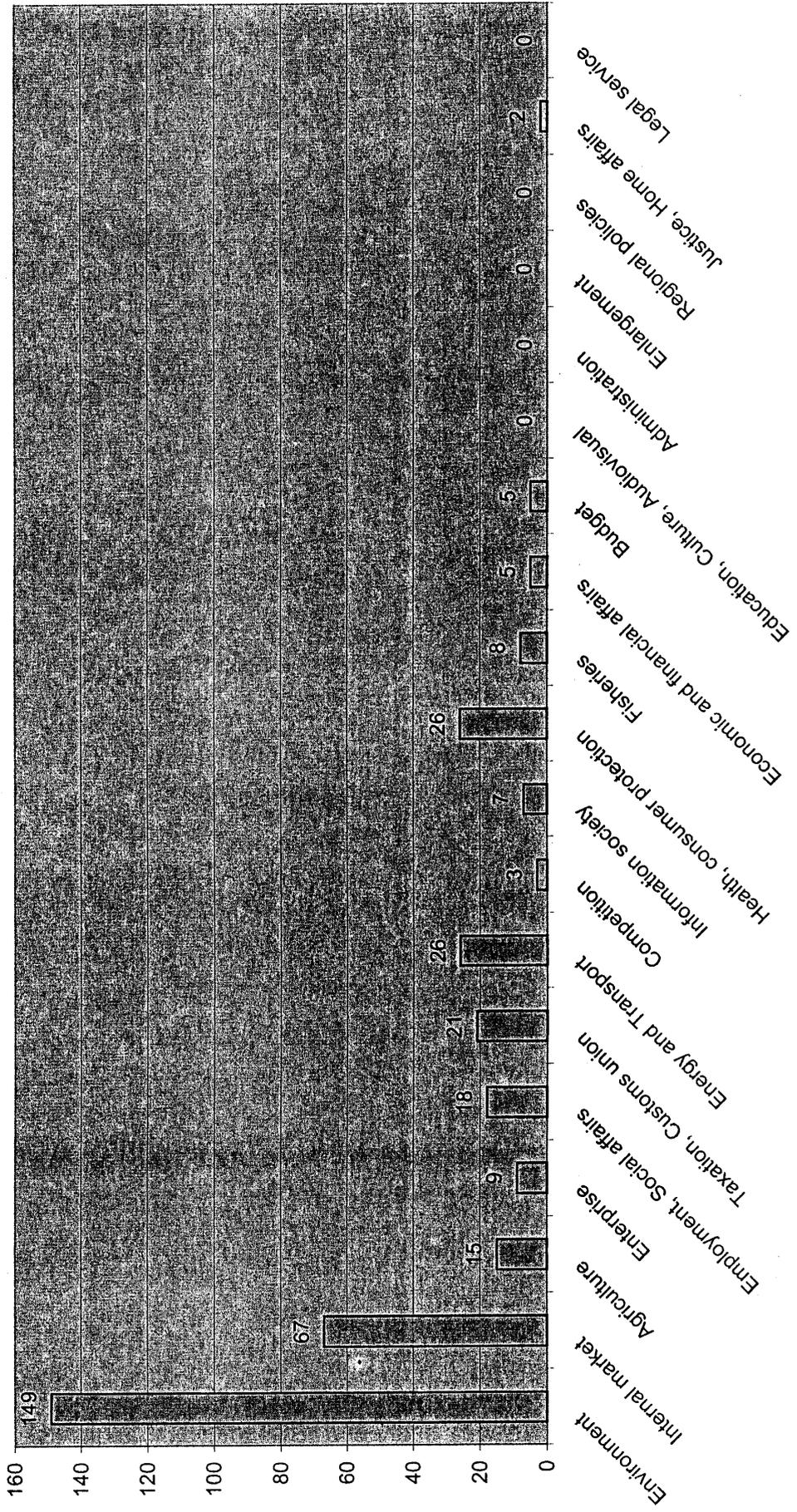


Tableau 2.4.4. Cases in motion on 31.12.2002 for which Article 228 proceedings are in motion, by sector (chart)

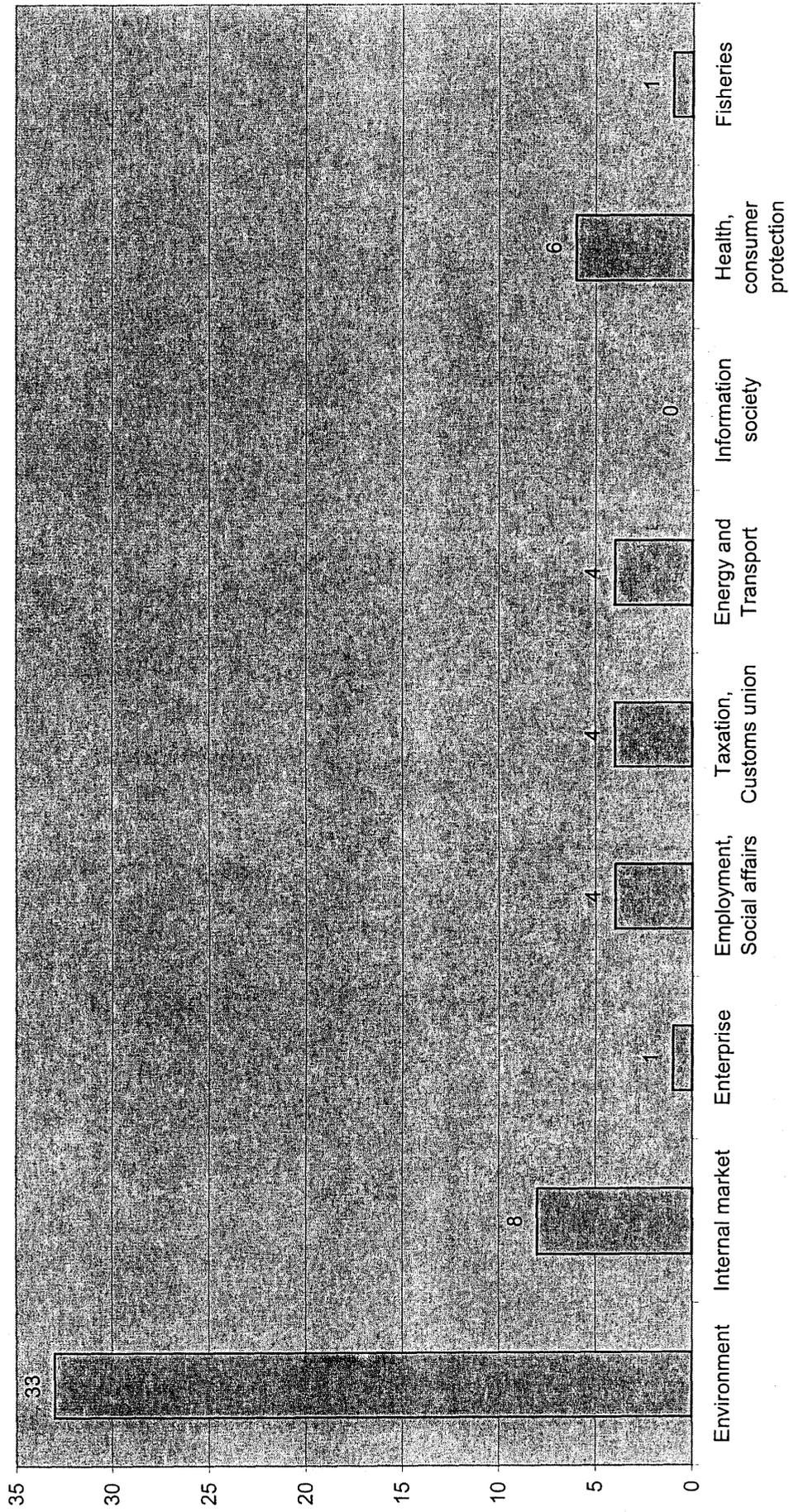


Table 2.5.1. Termination decisions taken in 2002, by stage (chart)

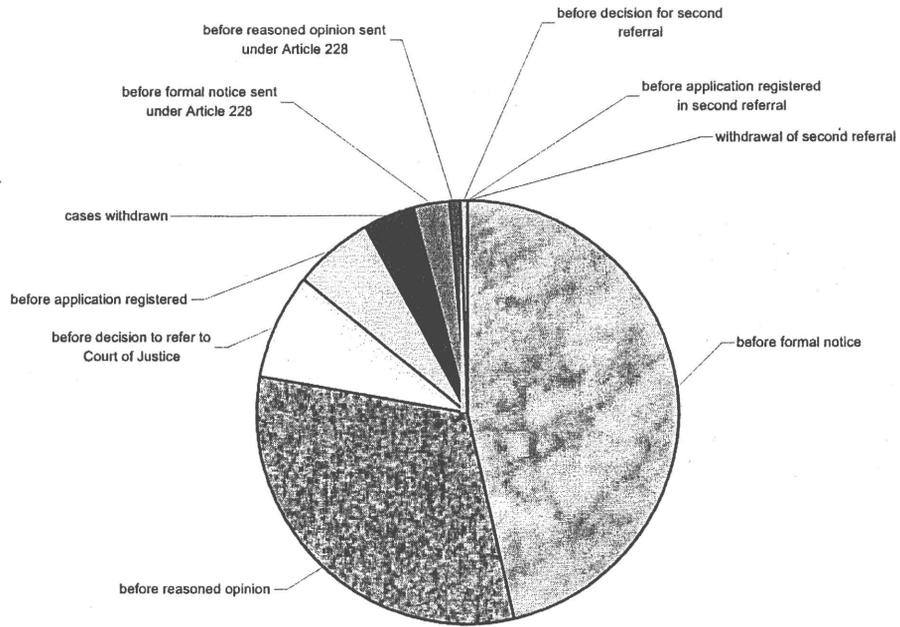


Table 2.5.2. Cases for failure to notify terminated in 2002, by stage

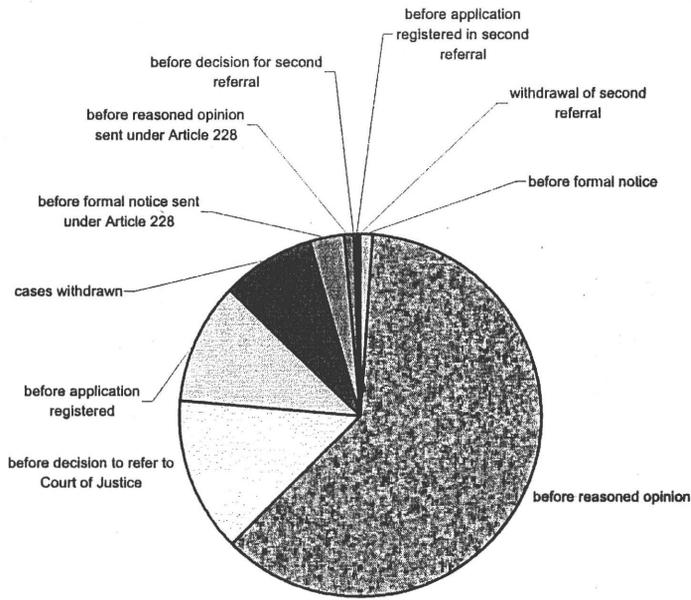


Table 2.5.3. Cases other than failure to notify terminated in 2002, by stage

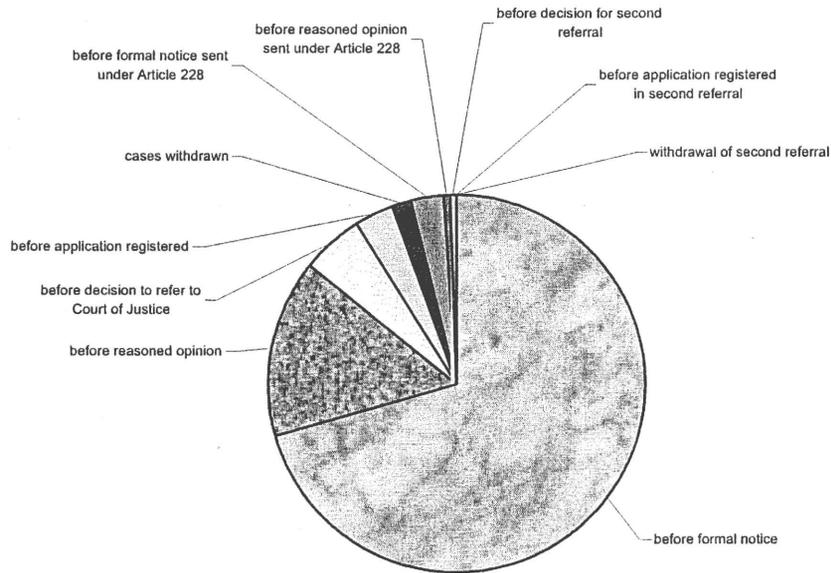


Table 2.6. Trend of termination decisions

Year	Total termination decisions	<i>Termination of infringement proceedings already opened</i>
2002	1724	927
2001	1915	1133
2000	1899	1165
1999	1900	1138
1998	1961	1282
1997	2112	1494
1996	1483	670

ANNEX III

Infringements of Treaties, Regulations and Decisions

AGRICULTURE

Year/Number: : 1994/4466
Member State: : FRANCE
Title: : BARRIERS TO IMPORTS OF SPANISH STRAWBERRIES
Legal bases : EEC Treaty 157E030
Ref. to Court - Case C-1995/265 – Judgment given on 9.12.1997

Year/Number: : 1997/2227
Member State: : SPAIN
Title: : INCORRECT APPLICATION OF MILK QUOTAS SCHEME
Legal bases : Regulation 31992R3950; Regulation 31993R536
Reasoned opinion sent : 7.5.1998 SG(1998)D/03614

Year/Number: : 1997/2228
Member State: : ITALY
Title: : INCORRECT APPLICATION OF MILK QUOTAS SCHEME
Legal bases : Regulation 31992R3950; Regulation 31993R0536
Suppl. reasoned opinion sent : 21.12.2001 SG(2001)D/260568

Year/Number: : 1999/2073
Member State: : GREECE
Title: : FAILURE TO INTRODUCE THE INTEGRATED ADMINISTRATION AND CONTROL SYSTEM
Legal bases : Regulation 31992R3508
Referral to Court – Case C- 2002/328

Year/Number: : 2001/2104
Member State: : PORTUGAL
Title: : LEVIES CHARGED ON STRUCTURAL FUNDS
Legal bases : EEC Treaty 157E171; EC Treaty 197A010; Regulation 1988R4253; Regulation 1993R2082; Regulation 31999R1260
Reasoned opinion sent 15.11.2002 SG(2002)D/220940

Year/Number: : 2001/2169
Member State: : FRANCE
Title: : REFERENCE QUANTITIES FOR BANANA IMPORTS
Legal bases : Regulation 32001R896
Reasoned opinion sent : 22.11.2001 SG(2001)D/260498

BUDGET

Year/Number: : 1998/2323
Member State: : NETHERLANDS
Title: : COMMUNITY TRANSIT - FAILURE TO OBSERVE STATUTORY DEADLINE
Legal bases : Regulation 31989R1552; Decision 31994D0728; Regulation 32000R1150
Referral to Court – Case C-2001/460

Year/Number: : 1999/2226
Member State: : SPAIN
Title: : A POSTERIORI RECOVERY, AMOUNTS MADE AVAILABLE LATE REGULATION 1552(89)
Legal bases : Regulation 31989R1552; Regulation 32000R1150
Referral suspended: : Decision of 17.12.2002

Year/Number: : 1999/2227
Member State: : GERMANY
Title: : TIR - LATE ESTABLISHMENT OF ENTITLEMENTS
Legal bases : Regulation 31989R1552; Regulation 31993R2454 ;Regulation 32000R1150
Referral to Court – Case C-2002/104

Year/Number: : 1999/2228
Member State: : GERMANY
Title: : ACCOUNTING TREATMENT OF TIR GUARANTEES
Legal bases : Regulation 31989R1552; Regulation 32000R1150
Referral to Court – Case C-2002/105

Year/Number: : 2000/2115
Member State: : DENMARK
Title: : ADMINISTRATIVE MISTAKE; LIABILITY TO PAY
Legal bases : Regulation 31989R1552; Decision 31994D0728; Regulation 32000R1150
Referral to Court – Case C-2002/392

Year/Number: : 2000/2201
Member State: : PORTUGAL
Title: : REFUSAL TO MAKE OWN RESOURCES AVAILABLE
Legal bases : Regulation 31989R1552; Decision 31994D728
Reasoned opinion sent : 19.12.2002 SG(2002)D/220961

Year/Number: : 2000/2204
Member State: : FRANCE
Title: : REFUSAL TO REIMBURSE VAT TO THE COMMISSION FOR ITS PURCHASES FOR OFFICIAL PURPOSES
Legal bases :
Terminated in 2002

Year/Number: : 2001/2087
Member State: : DENMARK
Title: : SPECIFIC DESTINATION OF CONTAINERS
Legal bases : EEC Treaty 157E171; Regulation 31987R2658; Regulation 31989R1552; Regulation 31992R2913; Regulation 31993R2543
Reasoned opinion sent : 31.10.2002 SG(2002)D/220911

Year/Number: : 2001/2103
Member State: : BELGIUM
Title: : INSTALMENT PAYMENTS
Legal bases : EEC Treaty 157E171; Regulation 3200 R1150
Referral to Court : Decision of 17.12.2002

Year/Number: : 2001/2191
Member State: : BELGIUM
Title: : ANOMALIES TIR 96-0-1
Legal bases : EEC Treaty 157E10; EEC Treaty 157E171; Regulation 31150R6 10; Decision 39472D8
Referral to Court : Decision of 17.12.2002

Year/Number: : 2001/2222
Member State: : BELGIUM
Title: : ANOMALIES EXTERNAL TIR 97-0-1
Legal bases : EEC Treaty 157E171; Decision 31994D728; Regulation 32000R1150
Reasoned opinion sent : 28.10.2002 SG(2002)D/220896

Year/Number: : 2002/2168
Member State: : NETHERLANDS
Title: : LIABILITY TO PAY – LIMITATION PERIODS
Legal bases : Regulation 31989R1552; Decision 31994D0728
Reasoned opinion sent : 19.12.2002 SG(2002)D/221159

COMPETITION

Year/Number: : 1999/2129
Member State: : PORTUGAL
Title: : DISCOUNTS ON LANDING CHARGES AT PORTUGUESE AIRPORTS
- DECISION ART. 86(3)
Legal bases : EC Treaty 197A249; Decision 31992D0199
Terminated in 2002

Year/Number: : 2001/2271
Member State: : BELGIUM
Title: : MARIBEL BIS/TER AID SCHEME - (JUDGMENT IN CASE C-378/98)
Legal bases : EEC Treaty 157E171; Judgment 61998J0378
Article 228 reasoned opinion sent: 18.7.2002 SG(2002)D/220640

EDUCATION AND CULTURE

Year/Number: : 1998/2308
Member State: : AUSTRIA
Title: : DISCRIMINATION IN ACCESS TO AUSTRIAN UNIVERSITIES
FOR COMMUNITY STUDENTS
Legal bases : EC Treaty 197A012; EC Treaty 197A149; EC Treaty 197A150
Referral to Court : Decision of 17.12.2002

Year/Number: : 1999/4020
Member State: : BELGIUM
Title: : DISCRIMINATION IN ACCESS TO UNIVERSITY STUDIES
FOR STUDENTS HOLDING FRENCH SCHOOL-LEAVING CERTIFICATE
Legal bases : EC Treaty 197A012; EC Treaty 197A149; EC Treaty 197A150
Referral to Court : Decision of 17.12.2002

ECONOMIC AND FINANCIAL AFFAIRS

Year/Number: : 1995/4372
Member State: : AUSTRIA
Title: : FREE MOVEMENT OF CAPITAL - RIGHT OF RESIDENCE
Legal bases : EEC Treaty 157A073; EC Treaty 197A039; EC Treaty 197A043; EC Treaty
197A048; EC Treaty 197A049; EC Treaty 197A056
Reasoned opinion sent : 29.5.1998 SG(1998)D/04257

Year/Number: : 1998/2288
Member State: : UNITED KINGDOM
Title: : PRIVATISATION - SPECIAL SHARE IN BRITISH AIRPORTS' AUTHORITY
PLC.
Legal bases : EEC Treaty 157E052; EEC Treaty 157E073; EC Treaty 197A043; EC
Treaty 197A056
Referral to Court – Case C-2001/098

Year/Number: : 1998/2289
Member State: : SPAIN
Title: : PRIVATISATION - SPECIAL POWERS IN PRIVATISED COMPANIES
Legal bases : EEC Treaty 157E052; EEC Treaty 157E073; EC Treaty 197A043; EC
Treaty : 197A056

Referral to Court – Case C-2000/463

Year/Number: : 1998/4083
Member State: : FRANCE
Title: : FAILURE TO OBSERVE THE PROPORTIONALITY PRINCIPLE IN
THE APPLICATION OF A CUSTOMS PENALTY
Legal bases : EEC Treaty 157A073; EC Treaty 197A056
Referral suspended: : Decision of 26.6.2002

Year/Number: : 2000/2064
Member State: : BELGIUM
Title: : RESTRICTIONS ON INVESTMENT ACTIVITIES OF PENSION
ENDOWMENT FUNDS
Legal bases : EC Treaty 197A056
Referral suspended: : Decision of 17.12.2002

Year/Number: : 2001/4050
Member State: : AUSTRIA
Title: : BANKS - LIQUIDITY RESERVE
Legal bases : EEC Treaty 157A171; EC Treaty 197A056
Reasoned opinion sent : 07.11.2002 SG(2002)D/220925

EMPLOYMENT AND SOCIAL AFFAIRS

Year/Number: : 1993/4947
Member State: : FRANCE
Title: : FRONTIER WORKERS - APPLICATION OF GENERAL SOCIAL
SECURITY CONTRIBUTION
Legal bases : EEC Treaty 157E048; EEC Treaty 157E051; Regulation 31971R1408
Terminated in 2002

Year/Number: : 1996/2208
Member State: : ITALY
Title: : DISCRIMINATION AGAINST FOREIGN-LANGUAGE ASSISTANTS
Legal bases : EC Treaty 197A010; EC Treaty 197A039; Regulation 31968R1612
Judgment 61999J0212
Article 228 formal notice sent 31.1.2002 SG(2002)D/220030

Year/Number: : 1996/4516
Member State: : DENMARK
Title: : FRONTIER WORKERS - RESTRICTION ON USE OF CAR, INTER ALIA
FOR BUSINESS PURPOSES
Legal bases : EC Treaty 197A039; EC Treaty 197A049; Judgment 61986J0127; Judgment
61993J0415
Referral to Court – Case C-2002/464

Year/Number: : 1996/4558
Member State: : FRANCE
Title: : FRONTIER WORKERS - CONTRIBUTION TO SOCIAL DEBT
REPAYMENT
Legal bases : EEC Treaty 157E051; Regulation 31971R1408
Terminated in 2002

Year/Number: : 1996/4627
Member State: : FRANCE
Title: : PUBLIC SERVICE-EDUCATION – RECOGNITION OF PROFESSIONAL EXPERIENCE – NATIONALITY DISCRIMINATION
Legal bases : EC Treaty 197A039; Regulation 31968R1612; Judgment 61996J0015;
Judgment 61996J0187
Referral suspended: : Decision of 17.7.2002

Year/Number: : 1997/4378
Member State: : FRANCE
Title: : AGGREGATION OF CIVIL-SERVICE AND PRIVATE RETIREMENT PENSION
Legal bases : EC Treaty 197A039; EC Treaty 197A042; Judgment 61992J0031; Judgment 61993J0443
Reasoned opinion sent : 28.1.1999 SG(1999)D/708

Year/Number: : 1997/4962
Member State: : NETHERLANDS
Title: : CALCULATION OF PENSIONS BASED ON VOLUNTARY CONTRIBUTIONS
Legal bases : EC Treaty 197A042; Regulation 31971R1408
Suppl. Formal notice sent on: 27.2.2002 SG(2002)D/220085

Year/Number: : 1998/2281
Member State: : AUSTRIA
Title: : NON-RECOGNITION OF PUBLIC SERVICE SENIORITY IN ANOTHER MEMBER STATE
Legal bases : EC Treaty 197A039; Regulation 31968R1612; Judgment 61996J0015; Judgment 61996J0187
 Terminated in 2002

Year/Number: : 1998/2301
Member State: : GERMANY
Title: : NON-RECOGNITION OF PUBLIC SERVICE SENIORITY IN ANOTHER MEMBER STATE
Legal bases : EC Treaty 197A039; Regulation 31968R1612; Judgment 61996J0015; Judgment 61996J0187
Suppl. Formal notice sent on: 25.4.2002 SG(2002)D/220314

Year/Number: : 1998/2302
Member State: : BELGIUM
Title: : NON-RECOGNITION OF PUBLIC SERVICE SENIORITY IN ANOTHER MEMBER STATE
Legal bases : EC Treaty 197A039; Regulation 31968R1612; Judgment 61996J0015; Judgment 61996J0187
Reasoned opinion sent : 28.2.2000 SG(2000)D/101871

Year/Number: : 1998/2303
Member State: : IRELAND
Title: : NON-RECOGNITION OF PUBLIC SERVICE SENIORITY IN ANOTHER MEMBER STATE
Legal bases : EC Treaty 197A039; Regulation 31968R1612; Judgment 61996J0015; Judgment 61996J0187
Suppl. Formal notice sent on: 22.7.2002 SG(2002)D/220634

Year/Number: : 1998/4014
Member State: : NETHERLANDS
Title: : EXPORT OF UNEMPLOYMENT BENEFITS
Legal bases : EC Treaty 197A042; Regulation 31971R1408

Referral to Court – Case C-2001/311

Year/Number: : 1998/4579
Member State: : LUXEMBOURG
Title: : STATUTORY ENTITLEMENT TO A GUARANTEED MINIMUM INCOME
Legal bases : EEC Treaty 157E052; Regulation 31968R1612

Ref. to Court - Case C-2001/299 – Judgment given on 20.6.2002

Year/Number: : 1998/4582
Member State: : FINLAND
Title: : USE IN FINLAND OF A CAR REGISTERED IN SWEDEN
Legal bases : EEC Treaty 157E171; EC Treaty 197039; EC Treaty 197049;
EC Treaty 197A028

Referral to Court : Decision of 17.12.2002

Year/Number: : 1998/4846
Member State: : BELGIUM
Title: : PAYMENT OF FAMILY BENEFITS SUBJECT TO RESIDENCE
CONDITION
Legal bases : EEC Treaty 157E048; EEC Treaty 157E051; Regulation 31968R1612;
Regulation 31971R1408

Referral to Court – Case C-2002/469

Year/Number: : 1999/4115
Member State: : AUSTRIA
Title: : RIGHT OF NON-COMMUNITY NATIONALS TO BE ELECTED TO WORKS
COUNCILS
Legal bases : Regulation 31968R1612; Decision 31980D0001

Referral to Court – Case C-2001/465

Year/Number: : 1999/4231
Member State: : SPAIN
Title: : REFUSAL TO RECOGNISE PROFESSIONAL EXPERIENCE GAINED
OUTSIDE SPAIN
Legal bases : EEC Treaty 157E048; EC Treaty 197A039
Reasoned opinion sent : 19.12.2002 SG(2002)D/221139

Year/Number: : 1999/4399
Member State: : FRANCE
Title: : REIMBURSEMENT OF MEDICAL EXPENSES
Legal bases : EC Treaty 197A028; EC Treaty 197A030; Judgment 61995J0120
Terminated in 2002

Year/Number: : 1999/4968
Member State: : IRELAND
Title: : ACCESS TO EMPLOYMENT - PUBLIC SECTOR
Legal bases : EC Treaty 197E039
Terminated in 2002

Year/Number: : 1999/5307
Member State: : GERMANY
Title: : MINIMUM WAGE
Legal bases :

Referral to Court – Case C-2001/465

Year/Number: : 1999/5353
Member State: : AUSTRIA
Title: : RECOGNITION OF SENIORITY
Legal bases : EEC Treaty 157E171; EC Treaty 197E039
Reasoned opinion sent : 31.10.2002 SG(2002)D/220912

Year/Number: : 2000/4257
Member State: : BELGIUM
Title: : RESTRICTIONS ON FREE MOVEMENT OF PERSONS ON THE BASIS
OF CONDITIONS FOR EARLY RETIREMENT
Legal bases : Regulation 31968R1612
Reasoned opinion sent : 19.12.2002 SG(2002)D/221131

Year/Number: : 2001/2071
Member State: : ITALY
Title: : REFUSAL TO RECOGNISE PROFESSIONAL EXPERIENCE (FR –
RECRUITMENT TESTS FOR FOREIGN-LANGUAGE (IT) TEACHERS
Legal bases : EC Treaty 197E039
Reasoned opinion sent : 27.6.2002 SG(2002)D/220499

ENTERPRISE

Year/Number: : 1995/4580
Member State: : GREECE
Title: : PRICES OF MEDICINES
Legal bases : EC Treaty 197A028
Suppl. Formal notice sent on: 24/07/2002 SG(2002)D/220657

Year/Number: : 1998/4675
Member State: : ITALY
Title: : MUSEUM IN VENICE (DOGES' PALACE) - NATIONALITY
DISCRIMINATION
Legal bases : EEC Treaty 157E006; EEC Treaty 157E059; EC Treaty 197A012; EC
Treaty 197A046
Referral to Court – Case C-2001/388

ENVIRONMENT

Year/Number: : 1997/4878
Member State: : ITALY
Title: : AIR - REG. 2037/2000, SUBSTANCES THAT DEplete THE OZONE
LAYER
Legal bases : Regulation 31994R3093; Regulation 32000R2037
Referral suspended: : Decision of 17.12.2002

Year/Number: : 1998/4423
Member State: : FRANCE
Title: : NATURE - DEC. 83/101, PROTOCOL PROTECTION OF THE
MEDITERRANEAN, POLLUTION IN THE ETANG DE BERRE
Legal bases : Decision 31983D0101
Referral to Court : Decision of 20.12.2001

Year/Number: : 2000/2008
Member State: : FRANCE
Title: : NATURE - SCIENTIFIC INVENTORY OF THE NATURAL HISTORY MUSEUM
Natural
Legal bases : EC Treaty 197A010
Referral to Court : Decision of 17.12.2002

Year/Number: : 2000/2105
Member State: : UNITED KINGDOM
Title: : RADIATION - DISPOSAL OF RADIOACTIVE WASTE - JASON REACTOR
Legal bases : EAEC Treaty 157A037
Referral to Court : Decision of 26.6.2002

Year/Number: : 2000/2240
Member State: : BELGIUM
Title: : WASTE - REG. 259/93, SHIPMENTS OF WASTE
Legal bases : Regulation 31993R0259
Reasoned opinion sent : 27.6.2002 SG(2002)D/220487

Year/Number: : 2001/2203
Member State: : IRELAND
Title: : AIR - DECISION 1753/2000, SPECIFIC EMISSIONS OF CO₂ FROM NEW PASSENGER CARS
Legal bases : Decision 32000D1753
Referral to Court : Decision of 17.12.2002

Year/Number: : 2001/5266
Member State: : BELGIUM
Title: : WASTE - TRANSFRONTIER SHIPMENT OF WASTE
Legal bases : Regulation 31993R0259
Reasoned opinion sent : 19.12.2002 SG(2002)D/221060

Year/Number: : 2002/2140
Member State: : GERMANY
Title: : AIR - REG. 2002/2037, SUBSTANCES THAT DEplete THE OZONE LAYER REPORTING OBLIGATIONS
Legal bases : Regulation 32001R2037
Reasoned opinion sent : 19.12.2002 SG(2002)D/220997

Year/Number: : 2002/2142
Member State: : IRELAND
Title: : AIR - REG. 2002/2037, SUBSTANCES THAT DEplete THE OZONE LAYER REPORTING OBLIGATIONS
Legal bases : Regulation 32001R2037
Reasoned opinion sent : 19.12.2002 SG(2002)D/220959

FISHERIES

Year/Number: : 1984/0445
Member State: : FRANCE
Title: : FISHERIES INCORRECT INSPECTION FOR COMPLIANCE WITH TECHNICAL CONSERVATION MEASURES
Legal bases : EEC Treaty 157E171; Regulation 31982R2057; Regulation 31983R0171

Second Referral to Court – Case C-2002/304

Year/Number: : 1990/0384
Member State: : SPAIN
Title: : CONDITIONS IMPOSED ON FISHING VESSELS
Legal bases : EC Treaty 197A028; EC Treaty 197A029
Terminated in 2002

Year/Number: : 1990/0418
Member State: : FRANCE
Title: : FAILURE TO DISCHARGE OBLIGATION TO INSPECT - OVERFISHING
1988
Legal bases : Regulation 31983R0170; Regulation 31987R2241; Regulation 31987R3977
Ref. to Court - Case C-1999/333 – Judgment given on 01/02/2001

Year/Number: : 1992/2256
Member State: : SPAIN
Title: : FAILURE TO DISCHARGE OBLIGATION TO INSPECT
Legal bases : Regulation 31983R0170; Regulation 31987R2241; Regulation 31989R4047
Case processed under number 1999/2284

Year/Number: : 1993/2219
Member State: : DENMARK
Title: : FAILURE TO DISCHARGE OBLIGATION TO INSPECT (1990)
Legal bases : Regulation 31983R0170; Regulation 31987R2241; Regulation 31989R4047
Referral to Court : Decision of 20.12.2001

Year/Number: : 1998/2255
Member State: : BELGIUM
Title: : FAILURE TO DISCHARGE OBLIGATION TO INSPECT - OVERFISHING
1995 AND 1996
Legal bases : Regulation 31983R2807; Regulation 31993R2847; Regulation 31994R3364;
Regulation 31995R3074
Referral to Court : Decision of 17.7.2002

Year/Number: : 1998/2258
Member State: : PORTUGAL
Title: : FAILURE TO DISCHARGE OBLIGATION TO INSPECT - OVERFISHING
1995 AND 1996
Legal bases : Regulation 31983R2807; Regulation 31993R2847; Regulation 31994R3364;
Regulation 31995R3074
Referral to Court : Decision 17.7.2002

Year/Number: : 1998/2260
Member State: : FINLAND
Title: : FAILURE TO DISCHARGE OBLIGATION TO INSPECT - OVERFISHING
1995 AND 1996
Legal bases : Regulation 31983R2807; Regulation 31993R2847; Regulation 31994R3362;
Regulation 31994R3366; Regulation 31994R3370; Regulation 31995R3074
Referral to Court – Case C-2002/437

Year/Number: : 1998/2261
Member State: : IRELAND
Title: : FAILURE TO DISCHARGE OBLIGATION TO INSPECT - OVERFISHING
1995 AND 1996
Legal bases : Regulation 31983R2807; Regulation 31993R2847; Regulation 31994R3362;
Regulation 31995R3074
Referral to Court – Case C-2002/317

Year/Number: : 1998/2262
Member State: : SWEDEN
Title: : FAILURE TO DISCHARGE OBLIGATION TO INSPECT - OVERFISHING
1995 AND 1996
Legal bases : Regulation 31983R2807; Regulation 31993R2847; Regulation 31994R3364;
Regulation 31995R3074
Referral to Court – Case C-2002/271

Year/Number: : 1998/2264
Member State: : DENMARK
Title: : FAILURE TO DISCHARGE OBLIGATION TO INSPECT - OVERFISHING
1995 AND 1996
Legal bases : Regulation 31983R2807; Regulation 31993R2847; Regulation 31994R3362;
Regulation 31995R3074
Referral to Court : Decision of 20.12.2001

Year/Number: : 1999/2283
Member State: : DENMARK
Title: : FAILURE TO INSPECT - OVERFISHING 1997
Legal bases : Regulation 31983R2807; Regulation 31993R3760; Regulation 31993R2847;
Regulation 31997R390; Regulation 31997R395;
Referral to Court : Decision of 17.12.2002

Year/Number: : 1999/2284
Member State: : SPAIN
Title: : FAILURE TO INSPECT - OVERFISHING 1997
Legal bases : Regulation 31992R3760; Regulation 31993R2847; Regulation 31997R406
Referral to Court : Decision of 26.6.2002

Year/Number: : 1999/2285
Member State: : FRANCE
Title: : FAILURE TO INSPECT - OVERFISHING 1997
Legal bases : Regulation 31983R2807; Regulation 31993R2847; Regulation 31993R3760;
Regulation 31997R390; Regulation 31997R394
Reasoned opinion sent : 25.4.2002 SG(2002)D/220126

Year/Number: : 2000/2048
Member State: : ITALY
Title: : FAILURE TO MEET DEADLINE FOR IMPLEMENTING VMA SYSTEM
Legal bases : Regulation 32847R1993
Terminated in 2002

Year/Number: : 2000/2049
Member State: : GREECE
Title: : FAILURE TO MEET DEADLINE FOR IMPLEMENTING VMA SYSTEM
Legal bases : Regulation 32847R1993
Reasoned opinion sent : 05.2.2001 SG(2001)D/285889

Year/Number: : 2000/2175
Member State: : SWEDEN
Title: : FAILURE TO DISCHARGE OBLIGATION TO INSPECT - OVERFISHING
Legal bases : Regulation 31983R2807; Regulation 31992R3760; Regulation 31993R2847;
Regulation 31997R390; Regulation 31997R392; Regulation 31997R400
Reasoned opinion sent : 18.10.2002 SG(2002)D/220693

JUSTICE AND HOME AFFAIRS

Year/Number: : 1999/2273
Member State: : FRANCE
Title: : NATIONALITY DISCRIMINATION
Legal bases : EC Treaty 197A12; EC Treaty 197A17; EC Treaty 197A18; EC Treaty 197A39;
EC Treaty 197A43
Referral to Court : Decision of 17.12.2002

INTERNAL MARKET

Year/Number: : 1991/0555
Member State: : FRANCE
Title: : OBLIGATION TO HALLMARK IMPORTED PRODUCTS IN PRECIOUS METAL
Legal bases : EC Treaty 197A028
Terminated in 2002

Year/Number: : 1992/2085
Member State: : IRELAND
Title: : IMPORTS OF OBJECTS OF PRECIOUS METALS
Legal bases : EC Treaty 197A028
Terminated in 2002

Year/Number: : 1992/2222
Member State: : GREECE
Title: : STORAGE AND MARKETING OF PETROLEUM PRODUCTS
Legal bases : EC Treaty 197A028
Terminated in 2002

Year/Number: : 1994/2150
Member State: : FRANCE
Title: : ENZYMATIC PREPARATIONS IN CERTAIN FOODSTUFFS AND BEVERAGES FOR HUMAN CONSUMPTION
Legal bases : EC Treaty 197A028; EC Treaty 197A030
Referral suspended: : Decision of 18.7.2001

Year/Number: : 1994/4075
Member State: : NETHERLANDS
Title: : REFUSAL TO AUTHORISE IMPORTS OF VITAMIN- AND IRON-ENRICHED FOODSTUFFS
Legal bases : EC Treaty 197A028; EC Treaty 197A030
Referral to Court – Case C-2002/041

Year/Number: : 1994/4883
Member State: : ITALY
Title: : BARRIERS TO IMPORTS OF NON-ALCOHOLIC BEVERAGES
Legal bases : EC Treaty 197A028; EC Treaty 197A030
Referral to Court – Case C-2001/420

Year/Number: : 1994/5125
Member State: : NETHERLANDS
Title: : BARRIERS TO IMPORTS OF VITAMIN-ENRICHED FOODSTUFFS

Legal bases : EC Treaty 197A028; EC Treaty 197A030
Referral to Court – Case C-2002/041

Year/Number: : 1995/2176
Member State: : FRANCE
Title: : TECHNOLOGICAL AUXILIARIES USED IN PREPARING FOODSTUFFS
Legal bases : EC Treaty 197A028
Referral suspended: : Decision of 18.7.2001

Year/Number: : 1996/4208
Member State: : FRANCE
Title: : ENERGY DRINKS
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 26.10.1998 SG(1998)D/8993

Year/Number: : 1996/4609
Member State: : GREECE
Title: : BARRIERS TO THE MARKETING OF DIETARY SUPPLEMENTS
Legal bases : EC Treaty 197A028
Suppl. reasoned opinion sent on: 26.7.2001 SG(2001)D/290372

Year/Number: : 1997/2060
Member State: : NETHERLANDS
Title: : RULES ON THE ADDITION OF MICRO-FOODS TO FOODSTUFFS
Legal bases : EC Treaty 197A028
Referral to Court – Case C-2002/041

Year/Number: : 1997/2261
Member State: : GREECE
Title: : LABELLING OF NON-ALCOHOLIC DRINKS (RECOMMENDED RETAIL PRICE)
Legal bases : EC Treaty 197A028
Terminated in 2002

Year/Number: : 1997/4239
Member State: : FRANCE
Title: : SEIZURE OF SPARE PARTS IN TRANSIT - PROTECTION OF DESIGNS - COUNTERFEITING
Legal bases : EC Treaty 197A028
Terminated in 2002

Year/Number: : 1997/4418
Member State: : ITALY
Title: : BARRIERS TO THE IMPORT OF SHIPPING EQUIPMENT
Legal bases : EEC Treaty 157E030; EC Treaty 197A028
Referral to Court – Case C-2001/455

Year/Number: : 1997/4419
Member State: : FRANCE
Title: : BARRIERS TO MARKETING OF SWIMMING-POOL TREATMENT PRODUCTS
Legal bases : EC Treaty 197A028
Terminated in 2002

Year/Number: : 1997/4579

Member State: : ITALY
Title: : BARRIERS TO IMPORTS OF SPECIAL FOODSTUFFS FOR
SPORTSMEN
Legal bases : EC Treaty 197A028; EC Treaty 197A030
Referral to Court – Case C-2002/270

Year/Number: : 1998/4032
Member State: : FRANCE
Title: : BARRIERS TO IMPORTS OF PHARMACEUTICAL PRODUCTS
Legal bases : EC Treaty 197A028
Referral to Court : Decision of 9.4.2002

Year/Number: : 1998/4387
Member State: : SPAIN
Title: : BAN ON REGISTERING AND DRIVING A MOTORCYCLE WITH TRAILER
Legal bases : EC Treaty 157A030; EC Treaty 197A018; EC Treaty 197A028; EC Treaty
197A049
Referral to Court – Case C-2002/197

Year/Number: : 1997/4815
Member State: : DENMARK
Title: : PUBLIC PROCUREMENT - PHARMACEUTICAL SPECIALITIES
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 31.1.2002 SG(2002)D/220070

Year/Number: : 1998/4738
Member State: : GERMANY
Title: : BARRIERS TO IMPORTS OF PHARMACEUTICAL PRODUCTS
MADE IN AUSTRIA
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 1.7.2002 SG(2002)D/220424

Year/Number: : 1998/5023
Member State: : UNITED KINGDOM
Title: : WAITING-TIME FOR PARALLEL IMPORTS OF PESTICIDES
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 23.10.2001 SG(2001)D/260341

Year/Number: : 1998/5043
Member State: : FRANCE
Title: : IMPORTS OF HOMEOPATHIC REMEDIES FOR PERSONAL USE
Legal bases : EC Treaty 197A028
Referral to Court : Decision of 17.7.2002

Year/Number: : 1998/5128
Member State: : AUSTRIA
Title: : IMPORT OF MEDICINES
Legal bases : EC Treaty 197A028
Terminated in 2002

Year/Number: : 1998/5130
Member State: : AUSTRIA
Title: : RULES CONCERNING ROAD SIGNS
Legal bases : EC Treaty 197A028
Terminated in 2002

Year/Number: : 1999/4016
Member State: : DENMARK
Title: : BARRIERS TO MARKETING OF A VITAMIN-ENRICHED DRINK
Legal bases : EEC Treaty 157E030

Referral to Court – Case C-2001/192

Year/Number: : 1999/4017
Member State: : IRELAND
Title: : PARALLEL IMPORTS OF MEDICINES
Legal bases : EC Treaty 197A028
Terminated in 2002

Year/Number: : 1999/4056
Member State: : FRANCE
Title: : IMPORT OF MEDICINES - COPY OF MARKETING AUTHORISATION
Legal bases : EC Treaty 197A028
Referral to Court : Decision of 16.10.2002

Year/Number: : 1999/4134
Member State: : SPAIN
Title: : BARRIERS TO TRADE - SPANISH LEGISLATION ON LIQUID BLEACH
Legal bases : EC Treaty 197A028
Referral to Court – Case C-2001/358

Year/Number: : 1999/4303
Member State: : BELGIUM
Title: : BARRIERS TO IMPORTS OF CONSTRUCTION PRODUCTS
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 19/12/2002 SG(2002)D/221122

Year/Number: : 1999/4321
Member State: : AUSTRIA
Title: : IMPORT OF MEDICINES
Legal bases : EC Treaty 197A028
Terminated in 2002

Year/Number: : 1999/4426
Member State: : SWEDEN
Title: : PARALLEL IMPORTS OF MEDICINES
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 30/01/2001 SG(2001)D/285590

Year/Number: : 1999/4515
Member State: : FRANCE
Title: : MARKETING OF OBJECTS OF PRECIOUS METALS
Legal bases : EC Treaty 197A028
Referral to Court : Decision of 17.12.2002

Year/Number: : 1999/4675
Member State: : BELGIUM
Title: : REIMBURSEMENT OF EXPENSES ON MEDICAL APPLIANCES
Legal bases : EC Treaty 197A028
Referral to Court : Decision of 16/10/2002

Year/Number: : 1999/4826
Member State: : FINLAND
Title: : "PLUS TABS" VITAMIN SUPPLEMENTS
Legal bases : EC Treaty 197A028
Terminated in 2002

Year/Number: : 1999/5021
Member State: : GREECE
Title: : MEDICAL DEVICES
Legal bases : EC Treaty 197A028
Terminated in 2002

Year/Number: : 1999/5257
Member State: : FRANCE
Title: : REGISTRATION - RECOGNITION OF EC CERTIFICATES OF CONFORMITY
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 21.12.2001 SG(2001)D/260500

Year/Number: : 2000/2016
Member State: : ITALY
Title: : TECHNICAL SPECIFICATIONS OF CASH REGISTERS
Legal bases : EC Treaty 197A028
Referral to Court : Decision of 17.12.2002

Year/Number: : 2000/2230
Member State: : SPAIN
Title: : DENOMINATION OF "LIGHT TUNA" - NO MUTUAL RECOGNITION CLAUSE
Legal bases : EAEC Treaty 157A028
Reasoned opinion sent : 16.5.2001 SG(2001)D/288563

Year/Number: : 2000/2314
Member State: : ITALY
Title: : REGISTRATION OF CARS: SIMPLIFIED PROCEDURE
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 19.12.2002 SG(2002)D/221208

Year/Number: : 2000/4091
Member State: : LUXEMBOURG
Title: : GENERAL RULES ON PRICES
Legal bases : EC Treaty 197A028
Terminated in 2002

Year/Number: : 2000/4211
Member State: : GERMANY
Title: : BARRIERS RELATING TO LIGHT QUADRICYCLES
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 25.4.2002 SG(2002)D/220318

Year/Number: : 2000/4397
Member State: : PORTUGAL
Title: : APPROVAL OF WASTE-WATER PIPES - FAILURE TO RECOGNISE CERTIFICATES ISSUED IN OTHER MEMBER STATES
Legal bases : EAEC Treaty 157A028
Reasoned opinion sent : 16.5.2001 SG(2001)D/288565

Year/Number: : 2000/4410
Member State: : ITALY
Title: : BARRIERS TO PARALLEL IMPORTS OF MEDICINES
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 1.7.2002 SG(2002)D/220568

Year/Number: : 2000/4605
Member State: : IRELAND
Title: : CERTIFICATION OF CONSTRUCTION PRODUCTS
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 27.6.2002 SG(2002)D/220395

Year/Number: : 2000/4740
Member State: : AUSTRIA
Title: : PROHIBITION ON MAIL-ORDER SALES OF FOOD SUPPLEMENTS
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 18/07/2002 SG(2002)D/220622

Year/Number: : 2000/4806
Member State: : GERMANY
Title: : GARLIC-BASED FOOD SUPPLEMENTS
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 19.12.2002 SG(2002)D/221176

Year/Number: : 2000/5140
Member State: : BELGIUM
Title: : PROHIBITION ON SALES OF BIRDS BORN AND BRED IN CAPTIVITY
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 22.7.2002 SG(2002)D/220644

Year/Number: : 2000/5169
Member State: : AUSTRIA
Title: : FOOD SUPPLEMENTS - ACCESS TO THE MARKET
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 18/07/2002 SG(2002)D/220621

Year/Number: : 2001/2003
Member State: : FRANCE
Title: : USE OF LANGUAGES – FOOD
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 18/07/2002 SG(2002)D/220632

Year/Number: : 2001/2068
Member State: : ITALY
Title: : SPECIAL PURPOSE FOODS – OBLIGATION TO MARK AUTHORISATION NUMBER OF LABELS
Legal bases : EC Treaty 197A028
Referral to Court : Decision of 17.12.2002

Year/Number: : 2001/5234
Member State: : GERMANY
Title: : CALIBRATION OF MEASURING INSTRUMENTS
Legal bases : EC Treaty 197A028
Reasoned opinion sent : 19.12.2002 SG(2002)D/221206

Year/Number: : 2001/5274
Member State: : ITALY
Title: : BARRIERS TO IMPORTS OF WASTE PLASTIC
Legal bases : EC Treaty 197A028; EC Treaty 197A029; EC Treaty 197A090
Reasoned opinion sent : 19.12.2002 SG(2002)D/221205

Year/Number: : 2002/4576

Member State: : GERMANY
 Title: : PARALLEL IMPORTS OF PESTICIDES
 Legal bases : EC Treaty 197A028
Reasoned opinion sent : 19.12.2002 SG(2002)D/221175

Year/Number: : 1990/0388
 Member State: : SPAIN
 Title: : RESTRICTIONS ON FREEDOM TO PROVIDE SERVICES - TOURIST GUIDES
 Legal bases : EC Treaty 197A010; EC Treaty 197A039; EC Treaty 197A043; EC Treaty 197A049
Suppl. formal notice sent on: 27.6.2002 SG(2002)D/220483

Year/Number: : 1993/4893
 Member State: : GERMANY
 Title: : RECOGNITION OF A BRITISH QUALIFICATION IN BADEN-WÜRTTEMBERG
 Legal bases : EC Treaty 197A039; EC Treaty 197A043; EC Treaty 197A049
 Referral suspended: : Decision of 26.6.2002

Year/Number: : 1995/4302
 Member State: : BELGIUM
 Title: : REFUSAL TO ADMIT TO THE ORDER OF ARCHITECTS AT LIEGE
 Legal bases : EC Treaty 197A043; EC Treaty 197A047
 Referral suspended: : Decision of 17.12.2002

Year/Number: : 1996/4407
 Member State: : GERMANY
 Title: : AUTHORISATION FOR USE OF ACADEMIC TITLES OBTAINED IN OTHER MEMBER STATES
 Legal bases : EC Treaty 197A039; EC Treaty 197A043
Reasoned opinion sent : 29.12.2000 SG(2000)D/109658

Year/Number: : 1997/4569
 Member State: : GREECE
 Title: : PROHIBITION ON COMPANIES FROM OWNING OPTICAL EQUIPMENT SHOPS
 Legal bases : EC Treaty 197A043
Referral to Court : Decision of 16.10.2002

Year/Number: : 1998/4265
 Member State: : FRANCE
 Title: : RECOGNITION OF A SPECIALISED MEDICAL QUALIFICATION
 Legal bases : EC Treaty 197A039; EC Treaty 197A043
Reasoned opinion sent : 09.4.2002 SG(2002)D/220274

Year/Number: : 1999/5352
 Member State: : ITALY
 Title: : SPORTS BETTING SERVICE
 Legal bases : EC Treaty 197A043; EC Treaty 197A049
Reasoned opinion sent : 18.10.2002 SG(2002)D/220710

Year/Number: : 1998/4293
 Member State: : AUSTRIA
 Title: : FREEDOM OF ESTABLISHMENT FOR MEDICAL SPECIALISTS
 Legal bases : EC Treaty 197A039; EC Treaty 197A043
Referral to Court : Decision of 16.10.2002

Year/Number: : 1998/5041
Member State: : FRANCE
Title: : APPLICATION FOR RECOGNITION OF AN ITALIAN PHARMACY QUALIFICATION
Legal bases : EC Treaty 197A043
Reasoned opinion sent : 24.1.2001 SG(2001)D/285366

Year/Number: : 1999/4512
Member State: : GERMANY
Title: : SOCIAL SECURITY/MEDICAL PROFESSION
Legal bases : EC Treaty 197A043
Reasoned opinion sent : 21.12.2001 SG(2001)D/260700

Year/Number: : 1992/4643
Member State: : GERMANY
Title: : OBLIGATION TO ESTABLISH A BRANCH IN GERMANY
Legal bases : EC Treaty 197A049
Reasoned opinion sent : 12.11.1997 SG(1997)D/09388

Year/Number: : 1993/2300
Member State: : ITALY
Title: : RESTRICTIONS ON EXERCISE OF ACTIVITY OF ROAD TRAFFIC CONSULTANTS
Legal bases : EC Treaty 197A012; EC Treaty 197A043; EC Treaty 197A049
Terminated in 2002

Year/Number: : 1994/4855
Member State: : FRANCE
Title: : INCORRECT APPLICATION OF EVIN ACT
Legal bases : EC Treaty 197A049
Referral to Court – Case C-2002/262

Year/Number: : 1994/4903
Member State: : BELGIUM
Title: : OBLIGATION TO PAY ANNUITIES ON BELGIAN PATENTS VIA A BELGIAN AGENT
Legal bases : EC Treaty 197A043; EC Treaty 197A049
Terminated in 2002

Year/Number: : 1994/5095
Member State: : ITALY
Title: : ITALIAN RULES ON FAIRS AND EXHIBITIONS
Legal bases : EC Treaty 197A043; EC Treaty 197A049
Ref. to Court - Case C-1999/439 – Judgment given on 15.1.2002

Year/Number: : 1995/2068
Member State: : ITALY
Title: : DISCRIMINATORY RESTRICTIONS - PRIVATE SECURITY SERVICES
Legal bases : EC Treaty 197A039; EC Treaty 197A043; EC Treaty 197A049
Terminated in 2002

Year/Number: : 1995/2105
Member State: : BELGIUM
Title: : RESTRICTIONS ON PRIVATE SECURITY FIRMS
Legal bases : EC Treaty 197A039; EC Treaty 197A043; EC Treaty 197A049
Suppl. formal notice sent on: 15.9.2000 SG(2000)D/106741

Year/Number: : 1995/4291

Member State: : AUSTRIA
 Title: : FREEDOM TO PROVIDE SERVICES
 Legal bases : EC Treaty 197A049
 Referral to Court : Decision of 17.12.2002

Year/Number: : 1995/4563
 Member State: : GERMANY
 Title: : NON-COMMUNITY NATIONALS - RESTRICTIONS ON FREEDOM TO PROVIDE SERVICES
 Legal bases : EC Treaty 197A049
Referral to Court : Decision of 20.3.2002

Year/Number: : 1995/4687
 Member State: : BELGIUM
 Title: : NON-COMMUNITY WORKERS - REGISTRATION AS A FIRM
 Legal bases : EC Treaty 197A049
Referral to Court : Decision of 20.3.2002

Year/Number: : 1996/2246
 Member State: : ITALY
 Title: : LEGISLATIVE BARRIERS TO BUSINESS AS CUSTOMS AGENTS
 Legal bases : EC Treaty 197A049
Article 228 reasoned opinion sent : 19.12.2002 SG(2002)D/221199

Year/Number: : 1996/4509
 Member State: : GERMANY
 Title: : TEMPORARY POSTING OF WORKERS IN THE CONTEXT OF A WORKING GROUP
 Legal bases : EC Treaty 197A043; EC Treaty 197A049
Suppl. formal notice sent on: 19.12.2002 SG(2002)D/221173

Year/Number: : 1997/2161
 Member State: : ITALY
 Title: : TEMPORARY EMPLOYMENT AGENCIES
 Legal bases : EC Treaty 197A049
Article 228 formal notice sent on: 19.12.2002 SG(2002)D/221191

Year/Number: : 1997/4388
 Member State: : BELGIUM
 Title: : CUSTOMER LOYALTY SCHEME
 Legal bases : EC Treaty 197A049
Referral to Court : Decision of 17.12.2002

Year/Number: : 1997/4483
 Member State: : FRANCE
 Title: : FINANCIAL ASSISTANCE FOR LANGUAGE-LEARNING TRIPS
 Legal bases : EC TREATY 197A049;
Reasoned opinion sent : 23.10.2002 SG(2002)D/220889

Year/Number: : 1997/4533
 Member State: : LUXEMBOURG
 Title: : RESIDENCE REQUIREMENT FOR PATENT AGENTS
 Legal bases : EC Treaty 197A43; EC Treaty 197A49
Referral to Court – Case C-2001/478

Year/Number: : 1997/4642
 Member State: : GERMANY
 Title: : PROVISION OF SERVICES AND TEMPORARY POSTING OF WORKERS

Legal bases : EC Treaty 197A049
Referral to Court : Decision of 26.6.2002

Year/Number: : 1998/2002
 Member State: : AUSTRIA
 Title: : OBSTACLES TO FREEDOM TO PROVIDE SERVICES AND FREEDOM OF ESTABLISHMENT - FOREIGN PATENT AGENTS

Legal bases : EC Treaty 197A043; EC Treaty 197A049
Reasoned opinion sent : 29.12.2000 SG(2000)D/109660

Year/Number: : 1998/2003
 Member State: : FRANCE
 Title: : OBSTACLES TO FREEDOM TO PROVIDE SERVICES - FOREIGN PATENT AGENTS

Legal bases : EC Treaty 197049
Withdrawal : 26/06/2002

Year/Number: : 1998/2006
 Member State: : GERMANY
 Title: : OBSTACLES TO FREEDOM TO PROVIDE SERVICES AND FREEDOM OF ESTABLISHMENT - FOREIGN PATENT AGENTS

Legal bases : EC Treaty 197043 ; EC Treaty 197049
 Terminated in 2002

Year/Number: : 1998/2011
 Member State: : FRANCE
 Title: : ACTIVITIES OF PERFORMERS' AGENTS
 Legal bases : EC Treaty 197A043; EC Treaty 197A049
Reasoned opinion sent : 26.1.2000 SG(2000)D/100908

Year/Number: : 1998/2040
 Member State: : IRELAND
 Title: : OBSTACLES TO FREEDOM TO PROVIDE SERVICES - FOREIGN PATENT AGENTS
 Legal bases : EC Treaty 197A049
Suppl. reasoned opinion sent on: 12.7.2002 SG(2002)D/220587

Year/Number: : 1998/2055
 Member State: : ITALY
 Title: : OBSTACLES TO FREEDOM TO PROVIDE SERVICES - FOREIGN PATENT AGENTS
 Legal bases : EC Treaty 1970049
Referral to Court – Case C-2001/131

Year/Number: : 1998/2146
 Member State: : LUXEMBOURG
 Title: : TEMPORARY POSTING OF NON-COMMUNITY STAFF BY A COMMUNITY FIRM

Legal bases : EC Treaty 197A010; EC Treaty 197A049
Referral to Court : Decision of 17.12.2002

Year/Number: : 1998/4137
 Member State: : BELGIUM
 Title: : LOCAL TAX ON SATELLITE DISHES
 Legal bases : EC Treaty 197A049
Reasoned opinion sent : 26.5.1999 SG(1999)D/09388

Year/Number: : 1998/5097
 Member State: : FRANCE

Title: : CONDITIONS FOR THE ESTABLISHMENT OF A LABORATORY
 ENGAGING IN CROSS-BORDER ACTIVITIES
 Legal bases : EC Treaty 197A043; EC Treaty 197A049; EC Treaty 197A10
Referral to Court – Case C-2001/496

Year/Number: : 1999/4064
 Member State: : AUSTRIA
 Title: : PRINCIPLE OF EQUALITY IN HOSPITAL TREATMENT
 Legal bases : EC Treaty 197A039; EC Treaty 197A049; EC Treaty 197A050; EC Treaty
 197A06
Referral to Court : Decision of 20.12.2001

Year/Number: : 1999/4511
 Member State: : FRANCE
 Title: : COAL-MINING CONCESSION
 Legal bases : EC Treaty 197A043
Reasoned opinion sent : 3.10.2001 SG(2001)D/260280

Year/Number: : 1999/4615
 Member State: : ITALY
 Title: : PARTICIPATION OF ENGINEERING CONSULTANCIES IN CERTAIN
 CATEGORIES OF INVITATIONS TO TENDER
 Legal bases : EC Treaty 197049
 Referral suspended: : Decision of 17.12.2002

Year/Number: : 1999/5057
 Member State: : AUSTRIA
 Title: : ORGANIC AGRICULTURE CONTROL BODIES
 Legal bases : EC Treaty 197049; Regulation 3199R2092
Reasoned opinion sent : 23.10.2002 SG(2002)D/220890

Year/Number: : 1999/5344
 Member State: : BELGIUM
 Title: : RULES APPLICABLE TO CLINICAL BIOLOGY LABORATORIES
 Legal bases : EC Treaty 197A043; EC Treaty 197A082. EC Treaty 197A086
Reasoned opinion sent : 22.07.2002 SG(2002)D/220647

Year/Number: : 2000/2181
 Member State: : GERMANY
 Title: : ORGANIC AGRICULTURE CONTROL BODIES – HEADQUARTERS
 REQUIREMENTS
 Legal bases : EC Treaty 197A049; Regulation 31991R2092
Reasoned opinion sent : 23.10.2002 SG(2002)D/220892

Year/Number: : 2000/4110
 Member State: : BELGIUM
 Title: : FREEDOM TO PROVIDE SERVICES - TEMPORARY EMPLOYMENT
 Legal bases : EC Treaty 197A049
Reasoned opinion sent : 23.9.2002 SG(2002)D/220675

Year/Number: : 2000/4697
 Member State: : ITALY
 Title: : COURT OF JUSTICE - COMMUNITY TRADE MARK
 Legal bases : Regulation 31994R040
 Referral to Court : Decision of 26.6.2002

Year/Number: : 2000/4701
 Member State: : SPAIN
 Title: : COURT OF JUSTICE - COMMUNITY TRADE MARK
 Legal bases : Regulation 31994R040

Referral to Court : Decision of 26.6.2002

Year/Number: : 1997/2047
Member State: : IRELAND
Title: : FAILURE TO RATIFY PARIS ACT (1971) (BERN CONVENTION)

Legal bases : EC Treaty 197A300
Suppl. formal notice sent on: 18.10.2002 SG(2002)D/220831

Year/Number: : 1998/4114
Member State: : GERMANY
Title: : FREEDOM OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES

Legal bases : EC Treaty 197A043; EC Treaty 197A049
Suppl. reasoned opinion sent on: 30.10.2002 SG(2002)D/220895

Year/Number: : 1999/4238
Member State: : AUSTRIA
Title: : COLLECTIVE INVESTMENT UNDERTAKINGS - SECURITIES
Legal bases : EC Treaty 197A049; EC Treaty 197A056
Case processed under number 2002/4714

REGIONAL POLICY

Year/Number: : 2001/2138
Member State: : PORTUGAL
Title: : IAPMEI
Legal bases : EEC Treaty 157E171
Latest Commission Decision: 17.12.2002 PV(2002)1594 AM - P.M.
Reasoned opinion sent : 15.11.2002 SG(2002)D/220934

HEALTH AND CONSUMER PROTECTION

Year/Number: : 2001/2137
Member State: : FRANCE
Title: : BSE - PROHIBITION ON PLACING THYMUS ON THE MARKET
Legal bases : EEC Treaty 157E171; EC Treaty 197A010; EC Treaty 197A028; Decision 32000D0418
Reasoned opinion sent : 25.10.2002 SG(2002)D/220899

TAXATION AND CUSTOMS UNION

Year/Number: : 1984/0342
Member State: : BELGIUM
Title: : DUTY-FREE IMPORT OF NON-MILITARY EQUIPMENT
Legal bases : EEC Treaty 197A026; Regulation 31987R2658; Regulation 31992R2913
Suppl. Formal notice sent on: 31.1.2002 SG(2002)D/220047

Year/Number: : 1984/0343
Member State: : DENMARK
Title: : DUTY-FREE IMPORT OF NON-MILITARY EQUIPMENT
Legal bases : EC Treaty 197A026; Regulation 31987R2658; Regulation 31992R2913
Suppl. Formal notice sent on: 31.1.2002 SG(2002)D/220044

Year/Number: : 1984/0344
Member State: : UNITED KINGDOM
Title: : DUTY-FREE IMPORT OF NON-MILITARY EQUIPMENT
Legal bases : EC Treaty 197A026; Regulation 31987R2658; Regulation 31992R2913
Suppl. Formal notice sent on: 31.1.2002 SG(2002)D/220042

Year/Number: : 1984/0345
Member State: : ITALY
Title: : DUTY-FREE IMPORT OF NON-MILITARY EQUIPMENT
Legal bases : EC Treaty 197A026; Regulation 31987R2658; Regulation 31992R2913
Suppl. Formal notice sent on: 31.1.2002 SG(2002)D/220041

Year/Number: : 1984/0346
Member State: : LUXEMBOURG
Title: : DUTY-FREE IMPORT OF NON-MILITARY EQUIPMENT
Legal bases : EC Treaty 197A026; Regulation 31987R2658; Regulation 31992R2913
Suppl. Formal notice sent on: 5.2.2002 SG(2002)D/220046

Year/Number: : 1984/0347
Member State: : NETHERLANDS
Title: : DUTY-FREE IMPORT OF NON-MILITARY EQUIPMENT
Legal bases : EC Treaty 197A026; Regulation 31987R2658; Regulation 31992R2913
Suppl. Formal notice sent on: 31.1.2002 SG(2002)D/220048

Year/Number: : 1986/0126
Member State: : GREECE
Title: : DUTY-FREE IMPORT OF NON-MILITARY EQUIPMENT
Legal bases : EC Treaty 197A026; Regulation 31987R2658; Regulation 31992R2913
Suppl. Formal notice sent on: 31.1.2002 SG(2002)D/220069

Year/Number: : 1990/0078
Member State: : SPAIN
Title: : DUTY-FREE IMPORT OF NON-MILITARY EQUIPMENT
Legal bases : EC Treaty 197A026; Regulation 31987R2658; Regulation 31992R2913
Suppl. Formal notice sent on: 31.1.2002 SG(2002)D/220063

Year/Number: : 1990/0079
Member State: : PORTUGAL
Title: : DUTY-FREE IMPORT OF NON-MILITARY EQUIPMENT
Legal bases : EC Treaty 197A026; Regulation 31987R2658; Regulation 31992R2913
Suppl. Formal notice sent on: 5.2.2002 SG(2002)D/220043

Year/Number: : 1998/4667
Member State: : GREECE
Title: : CHARGE FOR AUTHENTICATING INVOICES FOR THE IMPORT OF EC PHARMACEUTICAL PRODUCTS
Legal bases : EC Treaty 197A025
Referral to Court – Case C-2002/426

Year/Number: : 1999/2025
Member State: : SPAIN
Title: : CUSTOMS - TIME-LIMITS FOR RECOVERING DEBTS
Legal bases : Regulation 31992R2913
Referral suspended: : Decision of 26.6.2002

Year/Number: : 2000/2009
Member State: : FRANCE
Title: : PILOTS OF LIGHT AIRCRAFT - OBLIGATION TO LAND AT AN AIRPORT WITH A CUSTOMS OFFICE
Legal bases : EC Treaty 197A023; EC Treaty 197A025; Regulation 31991R3925
Referral suspended: : 24/06/2002

Year/Number: : 2000/2026
Member State: : FRANCE
Title: : NO REQUIREMENT FOR A GUARANTEE IN THE EVENT OF A STAY OF EXECUTION OF A CUSTOMS DECISION
Legal bases : EEC Treaty 157E171; Regulation 31999R2913
Reasoned opinion sent : 27.6.2002 SG(2002)D/220507

Year/Number: : 2000/4421
Member State: : GREECE
Title: : TAXES ON ENTRY OF PLEASURE VESSELS IN GREEK WATERS
Legal bases : EC Treaty 197A023; EC Treaty 197A025; EC Treaty 197A090; EC Treaty 197A133
Referral suspended: : 17/12/2002

Year/Number: : 1991/0779
Member State: : GREECE
Title: : TAXATION OF SECOND-HAND CARS
Legal bases : EC Treaty 197A090
Suppl. Formal notice Art. 228 sent on: 26.4.2002 SG(2002)D/220309

Year/Number: : 1995/4988
Member State: : AUSTRIA
Title: : CAR REGISTRATION TAX - DIFFERENTIAL TREATMENT OF CARS FROM OTHER MEMBER STATES
Legal bases : EC Treaty 197A090
Referral suspended: : Decision of 26.6.2002

Year/Number: : 1996/2244
Member State: : PORTUGAL
Title: : TAXATION OF SECOND-HAND VEHICLES
Legal bases : EC Treaty 197A028
 Terminated in 2002

Year/Number: : 1996/4748
Member State: : PORTUGAL
Title: : MOTOR VEHICLE TAX DISCRIMINATION
Legal bases : EC Treaty 197A090
 Terminated in 2002

Year/Number: : 1997/4309
Member State: : FRANCE
Title: : TAX ON RENDERING AND COLLECTION OF ABATTOIR WASTE
Legal bases : EC Treaty 197A090
 Terminated in 2002

Year/Number: : 1998/4071
Member State: : FRANCE
Title: : REFUSAL TO GIVE TAX RELIEF IN FRANCE FOR CHILD-CARE COSTS IN BELGIUM
Legal bases : EC Treaty 197A039; EC Treaty 197A049; Regulation 31968R1612
Reasoned opinion sent : 23.9.2002 SG(2002)D/220407

Year/Number: : 1999/4452

Member State: : SWEDEN
Title: : DISCRIMINATORY TAXATION ON VIN COMPARED TO BEER
Legal bases : EC Treaty 197A090
Suppl. Formal notice sent on: 1.7.2002 SG(2002)D/220497

Year/Number: : 1997/4237
Member State: : BELGIUM
Title: : WITHHOLDING TAX AND JOINT LIABILITY OF FOREIGN SERVICE-
PROVIDERS
Legal bases : EC Treaty 197A049
Reasoned opinion sent : 23.10.2001 SG(2001)D/260408

Year/Number: : 1999/4835
Member State: : FRANCE
Title: : FREEDOM TO PROVIDE SERVICES – COMMUNITY INSURERS
Legal bases : EC Treaty 197A049
Referral to Court – Case C-2002/333

Year/Number: : 2001/4881
Member State: : BELGIUM
Title: : SUCCESSION DUTIES FOR NON-PROFIT ASSOCIATIONS
Legal bases : EEC Treaty 157A171; EC Treaty 197A012; EC Treaty 197A039; EC Treaty
197A043; EC Treaty 197A048
Reasoned opinion sent : 23.10.2002 SG(2002)D/220894

ENERGY AND TRANSPORT

Year/Number: : 1999/2219
Member State: : ITALY
Title: : FAILURE TO COMPLY WITH JUDGMENT OF 29 JANUARY 1998 (CASE
C-280/95) AS REGARDS STATE AID
Legal bases : EC Treaty 197228
Article 228 reasoned opinion sent : 24.7.2001 SG(2001)D/290113

Year/Number: : 1992/2219
Member State: : GERMANY
Title: : BILATERAL AGREEMENTS WITH NON-COMMUNITY COUNTRIES -
INLAND WATERWAY TRANSPORT
Legal bases : EC Treaty 197A10; EC Treaty 197A133; EC Treaty 197A71
Referral suspended: : Decision of 18.7.2001

Year/Number: : 1994/2267
Member State: : LUXEMBOURG
Title: : BILATERAL AGREEMENTS ON INLAND WATERWAY TRANSPORT
Legal bases : EC Treaty 197A10
Referral suspended: : Decision of 18.7.2001

Year/Number: : 1996/2162
Member State: : ITALY
Title: : DISCRIMINATORY AIR DEPARTURE TAXES
Legal bases : Regulation 31992R2408
Terminated in 2002

Year/Number: : 1996/2164
Member State: : PORTUGAL
Title: : DISCRIMINATORY AIR DEPARTURE TAXES

Legal bases : Regulation 31992R2408
Article 228 formal notice sent on: 27.6.2002 SG(2002)D/220414

Year/Number: : 1996/2165
Member State: : NETHERLANDS
Title: : DISCRIMINATORY AIR DEPARTURE TAXES
Legal bases : Regulation 31992R2408
Referral to Court – Case C-2001/246

Year/Number: : 1998/2094
Member State: : NETHERLANDS
Title: : CONCLUSION OF OPEN SKIES AGREEMENT WITH THE UNITED STATES
Legal bases : EC Treaty 197A43; Regulation 31992R2407; Regulation 31992R2408; Regulation 31992R2409
Referral suspended: : Decision of 17.12.2002

Year/Number: : 1998/2325
Member State: : FRANCE
Title: : CONCLUSION OF OPEN SKIES AGREEMENT WITH THE UNITED STATES
Legal bases : EC Treaty 197A43; Regulation 31992R2407; Regulation 31992R2408; Regulation 31992R2409
Referral suspended: : Decision of 17.12.2002

Year/Number: : 1990/0358
Member State: : NETHERLANDS
Title: : COMMERCIAL VESSELS - FLAG RIGHTS
Legal bases : EC Treaty 197A48
Referral to Court – Case C-2002/299

Year/Number: : 1991/0600
Member State: : BELGIUM
Title: : CARGO-SHARING ARRANGEMENTS IN BLEU-TOGO AGREEMENT
Legal bases : Regulation 31986R4055
Article 228 reasoned opinion sent : 21.12.2001 SG(2001)D/260695

Year/Number: : 1991/0601
Member State: : BELGIUM
Title: : CARGO-SHARING ARRANGEMENTS IN BELGIUM-ZAIRE AGREEMENT
Legal bases : Regulation 31986R4055
Terminated in 2002

Year/Number: : 1995/2161
Member State: : BELGIUM
Title: : AGREEMENTS WITH MCWCS COUNTRIES
Legal bases : Regulation 31986R4055
Terminated in 2002

Year/Number: : 1995/2164
Member State: : PORTUGAL
Title: : CARGO-SHARING AGREEMENTS WITH NON-MEMBER COUNTRIES
Legal bases : Regulation 31986R4055
Terminated in 2002

Year/Number: : 1995/4624
Member State: : ITALY
Title: : FREEDOM TO PROVIDE SERVICES - MARITIME TRANSPORT
Legal bases : EC Treaty 197A48; Regulation 31986R4055

Withdrawal : Decision of 17.12.2002

Year/Number: : 1998/4654
Member State: : GREECE
Title: : MARITIME TRANSPORT - RESTRICTIONS ON FREEDOM TO PROVIDE SERVICES (REGULATION (EEC) No 4055/86)
Legal bases : Regulation 31986R4055; Regulation 31992R3577
Terminated in 2002

Year/Number: : 1999/2001
Member State: : PORTUGAL
Title: : MARITIME CABOTAGE
Legal bases : Regulation 31992R3577
Reasoned opinion sent : 26.7.2001 SG(2001)D/290461

Year/Number: : 1999/4133
Member State: : GREECE
Title: : DISCRIMINATION BETWEEN COMMUNITY NATIONALS AS REGARDS DOCK DUES
Legal bases : Regulation 31986R4055
Reasoned opinion sent : 2.2.2001 SG(2001)D/285833

Year/Number: : 2000/2062
Member State: : GREECE
Title: : MARITIME CABOTAGE
Legal bases : Regulation 31992R3577
Referral to Court – Case C-2002/288

Year/Number: : 2000/2078
Member State: : GREECE
Title: : APPLICATION OF JAR 145 (MAINTENANCE AGENCIES)
Legal bases : Regulation 31991R3922
Reasoned opinion sent : 27.6.2002 SG(2002)D/220421

Year/Number: : 2000/2091
Member State: : GERMANY
Title: : MARITIME CABOTAGE - PUBLIC SERVICE CONTRACTS
Legal bases : Regulation 31992R3577
Reasoned opinion sent : 27.6.2002 SG(2002)D/220446

Year/Number: : 2000/2239
Member State: : ITALY
Title: : CARGO-SHARING AGREEMENT ITALY/CHINA
Legal bases : Regulation 31986R4055
Reasoned opinion sent : 26.7.2001 SG(2001)D/290455

Year/Number: : 2000/4307
Member State: : GREECE
Title: : NATIONALITY DISCRIMINATION FOR ACCESS TO TUG-BOAT SERVICES
Legal bases : EC Treaty 197A049; Regulation 31992R3577
Reasoned opinion sent : 22.7.2002 SG(2002)D/220611

Year/Number: : 2000/4372
Member State: : SPAIN
Title: : FREEDOM TO PROVIDE MARITIME TRANSPORT SERVICES IN THE VIGO ESTUARY – MARITIME CABOTAGE
Legal bases : Regulation 31992R3577
Referral to Court : Decision of 26.6.2002

ANNEX IV

PROGRESS IN IMPLEMENTING DIRECTIVES

This Annex lists all directives with a deadline for transposal in 2002 (part 1) and all directives in respect of which there were problems of non-notification (part 2), non-conformity (part 3) or incorrect application (part 4) during 2002 and which shows the state of infringement proceedings started by the Commission against Member States as at 31 December 2002.

PART 1: DIRECTIVES WITH A DEADLINE FOR TRANSPOSAL IN 2002

Sector	Celex code	Title	OJ reference	Deadline(s) for transposal
AGRICULTURE	32001L0054	Commission Directive 2001/64/EC of 11 July 2001 repealing Directive 79/1066/EEC laying down Community methods of analysis for testing coffee extracts and chicory extracts (Text with EEA relevance) This Directive repeals Directive 79/1066/EEC; national implementing measures not required	L 191, 13/07/2001	2/02/2002
EMPLOYMENT AND SOCIAL AFFAIRS	31999L0063	Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Union in the European Union (FST)	L 167, 02/07/1999	30/06/2002
ENTERPRISE	31999L0045	Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations	L 200, 30/07/1999	30/07/2002, 30/07/2004
	32001L0041	Directive 2001/41/EC of the European Parliament and of the Council of 19 June 2001 amending, for the twenty-first time, Council Directive 76/769/EEC on approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations, as regards substances classified as carcinogens, mutagens or substances toxic to reproduction	L 194, 18/07/2001	19/07/2002
	32001L0058	Commission Directive 2001/58/EC of 27 July 2001 amending for the second time Directive 91/155/EEC defining and laying down the detailed arrangements for the system of specific information relating to dangerous preparations in implementation of Article 14 of European Parliament and Council Directive 1999/45/EC and relating to dangerous substances in implementation of Article 27 of Council Directive 67/548/EEC (safety data sheets) (Text with EEA relevance)	L 212, 07/08/2001	31/07/2002
	32001L0060	Commission Directive 2001/60/EC of 7 August 2001 adapting to technical progress Directive 1999/45/EC of the European Parliament and of the Council concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (Text with EEA relevance)	L 226, 22/08/2001	31/07/2002

Sector	Celex code	Title	OJ reference	Deadline(s) for transposal
ENTERPRISE	32001L0090	Commission Directive 2001/90/EC of 26 October 2001 adapting to technical progress for the seventh time Annex I to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (creosote) (Text with EEA relevance)	L 286, 27/10/2001	31/12/2002
	32001L0091	Commission Directive 2001/91/EC of 29 October 2001 adapting to technical progress for the eighth time Annex I to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (hexachloroethane) (Text with EEA relevance)	L 286, 30/10/2001	30/12/2002
	32000L0009	Directive 2000/9/EC of the European Parliament and of the Council of 20 March 2000 relating to cableway installations designed to carry persons	L 106, 03/05/2000	3/05/2002
	32001L0001	Directive 2001/1/EC of the European Parliament and of the Council of 22 January 2001 amending Council Directive 70/220/EEC concerning measures to be taken against air pollution by emissions from motor vehicles	L 35, 06/02/2001	06/02/2002
	32001L0003	Commission Directive 2001/3/EC of 8 January 2001 adapting to technical progress Council Directive 74/150/EEC relating to the type-approval of wheeled agricultural or forestry tractors and Council Directive 75/322/EEC relating to the suppression of radio interference produced by spark-ignition engines fitted to wheeled agricultural or forestry tractors (Text with EEA relevance)	L 28, 30/01/2001	30/06/2002
	32001L0043	Directive 2001/43/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting	L 211, 04/08/2001	3/08/2002
	32001L0092	Commission Directive 2001/92/EC of 30 October 2001 adapting to technical progress Council Directive 92/22/EEC on safety glazing and glazing material for motor vehicles and their trailers and Council Directive 70/156/EEC relating to the type-approval of motor vehicles and their trailers (Text with EEA relevance)	L 291, 08/11/2001	30/06/2002

Sector	Celex code	Title	OJ reference	Deadline(s) for transposal
ENTERPRISE	32001L0100	Directive 2001/100/EC of the European Parliament and of the Council of 7 December 2001 amending Council Directive 70/220/EEC on the approximation of the laws of the Member States on measures to be taken against air pollution by emissions from motor vehicles	L 16, 18/01/2002	10/09/2002
	32001L0116	Commission Directive 2001/116/EC of 20 December 2001 adapting to technical progress Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers	L 18, 21/01/2002	01/07/2002
	32002L0078	Commission Directive 2002/78/EC of 1 October 2002 adapting to technical progress Council Directive 71/320/EEC on the approximation of the laws of the Member States relating to the braking devices of certain categories of motor vehicles and their trailers	L 267, 04/10/2002	31/12/2002
	32000L0035	Directive 2000/35/EC of the European Parliament and of the Council of 29 June 2000 on combating late payment in commercial transactions	L 200, 08/08/2000	8/08/2002
	32001L0104	Directive 2001/104/EC of the European Parliament and of the Council of 7 December 2001 amending Council Directive 93/42/EEC concerning medical devices	L 6, 10/01/2002	13/06/2002
	31999L0022	Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos	L 94, 09/04/1999	09/04/2002
ENVIRONMENT	32000L0053	Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles	L 269, 21/10/2000	21/04/2002
	32000L0069	Directive 2000/69/EC of the European Parliament and of the Council of 16 November 2000 relating to limit values for benzene and carbon monoxide in ambient air	L 313, 13/12/2000	13/12/2002
	32000L0076	Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste	L 332, 28/12/2000	28/12/2002
	32001L0018	Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC	L 106, 17/04/2001	17/10/2002

Sector	Celex code	Title	OJ reference	Deadline(s) for transposal
ENVIRONMENT	32001L0059	Commission Directive 2001/59/EC of 6 August 2001 adapting to technical progress for the 28th time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (Text with EEA relevance)	L 225, 21/08/2001	31/07/2002
	32001L0063	Commission Directive 2001/63/EC of 17 August 2001 adapting to technical progress Directive 97/68/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery	L 227, 23/08/2001	01/07/2002
	32001L0080	Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants	L 309, 27/11/2001	27/11/2002
	32001L0081	Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants	L 309, 27/11/2001	27/11/2002
EUROSTAT	32001L0109	Directive 2001/109/EC of the European Parliament and of the Council of 19 December 2001 concerning the statistical surveys to be carried out by the Member States in order to determine the production potential of plantations of certain species of fruit trees	L 13, 16/01/2002	16/04/2002
JUSTICE AND HOME AFFAIRS	32001L0040	Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals	L 149, 02/06/2001	2/12/2002
INTERNAL MARKET	32002L0039	Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002 amending Directive 97/67/EC with regard to the further opening to competition of Community postal services	L 176, 05/07/2002	31/12/2002

Sector	Celex code	Title	OJ reference	Deadline(s) for transposal
INTERNAL MARKET	32001L0019	Directive 2001/19/EC of the European Parliament and of the Council of 14 May 2001 amending Council Directives 89/48/EEC and 92/51/EEC on the general system for the recognition of professional qualifications and Council Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC and 93/16/EEC concerning the professions of nurse responsible for general dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor (Text with EEA relevance)	L 206, 31/07/2001	31/12/2002
	32001L0078	Commission Directive 2001/78/EC of 13 September 2001 amending Annex IV to Council Directive 93/36/EEC, Annexes IV, V and VI to Council Directive 93/37/EEC, Annexes III and IV to Council Directive 92/50/EEC, as amended by Directive 97/52/EC, and Annexes XII to XV, XVII and XVIII to Council Directive 93/38/EEC, as amended by Directive 98/4/EC (Directive on the use of standard forms in the publication of public contract notices) (Text with EEA relevance)	L 285, 29/10/2001 L 214, 09/08/2002	1/05/2002
	32000L0031	Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce')	L 178, 17/07/2000	17/01/2002
	32001L0029	Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society	L 167, 22/06/2001	22/12/2002
	32000L0028	Directive 2000/28/EC of the European Parliament and of the Council of 18 September 2000 amending Directive 2000/12/EC relating to the taking up and pursuit of the business of credit institutions	L 275, 27/10/2000	27/04/2002
	32000L0046	Directive 2000/46/EC of the European Parliament and of the Council of 18 September 2000 on the taking up, pursuit of and prudential supervision of the business of electronic money institutions	L 275, 27/10/2000	27/04/2002
	32000L0026	Directive 2000/26/EC of the European Parliament and of the Council of 16 May 2000 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles and amending Council Directives 73/239/EEC and 88/357/EEC (Fourth motor insurance Directive)	L 181, 20/07/2000	20/07/2002

Sector	Celex code	Title	OJ reference	Deadline(s) for transposal
INTERNAL MARKET	32000L0064	Directive 2000/64/EC of the European Parliament and of the Council of 7 November 2000 amending Council Directives 85/611/EEC, 92/49/EEC, 92/96/EEC and 93/22/EEC as regards exchange of information with third countries	L 290, 17/11/2000	17/11/2002
HEALTH AND CONSUMER PROTECTION	32001L0046	Directive 2001/46/EC of the European Parliament and of the Council of 23 July 2001 amending Council Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition and Directives 70/524/EEC, 96/25/EC and 1999/29/EC on animal nutrition	L 234, 01/09/2001	01/09/2002
	32001L0079	Commission Directive 2001/79/EC of 17 September 2001 amending Council Directive 87/153/EEC fixing guidelines for the assessment of additives in animal nutrition (Text with EEA relevance)	L 267, 06/10/2001	01/01/2002
	32001L0102	Council Directive 2001/102/EC of 27 November 2001 amending Directive 1999/29/EC on the undesirable substances and products in animal nutrition	L 6, 10/01/2002	01/07/2002
	32002L0001	Commission Directive 2002/1/EC of 7 January 2002 amending Directive 94/39/EC as regards animal feedingstuffs for the support of liver function in case of chronic liver insufficiency	L 5, 09/01/2002	20/11/2002
	31999L0039	Commission Directive 1999/39/EC of 6 May 1999 amending Directive 96/5/EC on processed cereal-based foods and baby foods for infants and young children (Text with EEA relevance)	L 124, 18/05/1999	30/06/2000, 01/07/2002
	32001L0005	Directive 2001/5/EC of the European Parliament and of the Council of 12 February 2001 amending Directive 95/2/EC on food additives other than colours and sweeteners	L 55, 24/02/2001	24/08/2002
	32001L0015	Commission Directive 2001/15/EC of 15 February 2001 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses (Text with EEA relevance)	L 52, 22/02/2001	30/03/2002

Sector	Celex code	Title	OJ reference	Deadline(s) for transposal
HEALTH AND CONSUMER PROTECTION	32001L0022	Commission Directive 2001/22/EC of 8 March 2001 laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs (Text with EEA relevance)	L 77, 16/03/2001	5/04/2002
	32001L0030	Commission Directive 2001/30/EC of 2 May 2001 amending Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners (Text with EEA relevance)	L 146, 31/05/2001	01/06/2002
	32001L0050	Commission Directive 2001/50/EC of 3 July 2001 amending Directive 95/45/EC laying down specific purity criteria concerning colours for use in foodstuffs (Text with EEA relevance)	L 190, 12/07/2001	30/06/2002
	32001L0052	Commission Directive 2001/52/EC of 3 July 2001 amending Directive 95/31/EC laying down specific criteria of purity concerning sweeteners for use in foodstuffs (Text with EEA relevance)	L 190, 12/07/2001	30/06/2002
	32001L0062	Commission Directive 2001/62/EC of 9 August 2001 amending Directive 90/128/EEC relating to plastic materials and articles intended to come into contact with foodstuffs (Text with EEA relevance)	L 221, 17/08/2001	01/12/2002
	32002L0072	Commission Directive 2002/72/EC of 6 August 2002 relating to plastic materials and articles intended to come into contact with foodstuffs (Text with EEA relevance) Repeals Directive 31990L0128	L 220, 15/08/2002	2/09/2002
	31999L0044	Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees	L 171, 07/07/1999	01/01/2002
	32000L0029	Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community	L 169, 10/07/2000	20/01/2002
	32000L0080	Commission Directive 2000/80/EC of 4 December 2000 amending Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market, so as to consolidate that Annex and include a further active substance (lambda-cyhalothrin)	L 309, 09/12/2000	01/07/2002

Sector	Celex code	Title	OJ reference	Deadline(s) for transposal
HEALTH AND CONSUMER PROTECTION	32001L0021	Commission Directive 2001/21/EC of 5 March 2001 amending Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market to include amitrole, diquat, pyridate and thiabendazole as active substances	L 69, 10/03/2001	1/07/2002
	32001L0036	Commission Directive 2001/36/EC of 16 May 2001 amending Council Directive 91/414/EEC concerning the placing of plant protection products on the market (Text with EEA relevance)	L 164, 20/06/2001	1/05/2002
	32001L0048	Commission Directive 2001/48/EC of 28 June 2001 amending the Annexes to Council Directives 86/362/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on cereals and certain products of plant origin, including fruit and vegetables respectively (Text with EEA relevance)	L 180, 03/07/2001	28/02/2002
	32001L0057	Commission Directive 2001/57/EC of 25 July 2001 amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on cereals; foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables respectively (Text with EEA relevance)	L 208, 01/08/2001	28/02/2002
	32001L0087	Commission Directive 2001/87/EC of 12 October 2001 amending Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market to include acbenzolar-s-methyl, cyclanilide, ferric phosphate, pymetrozine and pyraflufen-ethyl as active substances	L 276, 19/10/2001	31/03/2002
	32002L0005	Commission Directive 2002/5/EC of 30 January 2002 amending Annex II to Council Directive 90/642/EEC as regards the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables	L 34, 05/02/2002	31/08/2002
	32002L0023	Commission Directive 2002/23/EC of 26 February 2002 amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables respectively	L 64, 07/03/2002	31/08/2002

Sector	Cexlex code	Title	OJ reference	Deadline(s) for transposal
HEALTH AND CONSUMER PROTECTION	32002L0028	Commission Directive 2002/28/EC of 19 March 2002 amending certain annexes to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community	L 77, 20/03/2002	31/03/2002
	32002L0029	Commission Directive 2002/29/EC of 19 March 2002 amending Directive 2000/32/EC as regards certain protected zones exposed to particular plant health risks in the Community	L 77, 20/03/2002	31/03/2002
	32002L0037	Commission Directive 2002/37/EC of 3 May 2002 amending Council Directive 91/414/EEC to include ethofumesate as an active substance (Text with EEA relevance)	L 117, 04/05/2002	31/08/2002
	32002L0042	Commission Directive 2002/42/EC of 17 May 2002 amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for pesticide residues (benzothiazole and pyridate) in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables (Text with EEA relevance)	L 134, 22/05/2002	31/12/2002
	32002L0048	Commission Directive 2002/48/EC of 30 May 2002 amending Council Directive 91/414/EEC to include iprovalicarb, proflumuron and sulfosulfuron as active substances	L 148, 06/06/2002	31/12/2002
	32002L0066	Commission Directive 2002/66/EC of 16 July 2002 amending the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for pesticide residues in and on fruit and vegetables, cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables respectively (Text with EEA relevance) Measures applicable from 1.12.2002 for lindane, quitozole and perimethrin Measures applicable from 1.5.2003 for parathion	L 192, 20/07/2002	30/11/2002
	32002L0071	Commission Directive 2002/71/EC of 19 August 2002 amending the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for pesticide residues (formothion, dimethoate and oxydemeton-methyl) in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables (Text with EEA relevance)	L 225, 22/08/2002	31/12/2002

Sector	Celex code	Title	OJ reference	Deadline(s) for transposal
HEALTH AND CONSUMER PROTECTION	32002L0076	Commission Directive 2002/76/EC of 6 September 2002 amending the Annexes to Council Directives 86/362/EEC and 90/642/EEC as regards the fixing of maximum levels for pesticide residues (metsulfuron methyl) in and on cereals and certain products of plant origin, including fruit and vegetables (Text with EEA relevance)	L 240, 07/09/2002	31/12/2002
	32002L0079	Commission Directive 2002/79/EC of 2 October 2002 amending the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for certain pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables (Text with EEA relevance)	L 291, 28/10/2002	31/12/2002, 31/05/2003
	32001L0064	Council Directive 2001/64/EC of 31 August 2001 amending Directive 66/401/EEC on the marketing of fodder plant seed and Directive 66/402/EEC on the marketing of cereal seed	L 234, 01/09/2001	28/02/2002
	32002L0008	Commission Directive 2002/8/EC of 6 February 2002 amending Directives 72/168/EEC and 72/180/EEC concerning the characteristics and minimum conditions for examining vegetable and agricultural varieties respectively	L 37, 07/02/2002	31/03/2002
	32002L0053	Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species	L 193, 20/07/2002	9/08/2002
	32002L0054	Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed	L 193, 20/07/2002	09/08/2002
	32002L0055	Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed	L 193, 20/07/2002	9/08/2002
	32002L0056	Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes	L 193, 20/07/2002	9/08/2002
	32002L0057	Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants	L 193, 20/07/2002	9/08/2002

Sector	Celex code	Title	OJ reference	Deadline(s) for transposal
HEALTH AND CONSUMER PROTECTION	32001L0037	Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products Repeals Directives 31989L0622 and 31990L0239 without prejudice to the obligations of the Member States concerning the time limits for transposition	L 194, 18/07/2001	1/10/2002
	31999L0074	Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens	L 203, 03/08/1999	01/01/2002
	32000L0075	Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue	L 327, 22/12/2000	01/01/2002
	32001L0089	Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever (Text with EEA relevance)	L 316, 01/12/2001	1/11/2002
	32001L0044	Council Directive 2001/44/EC of 15 June 2001 amending Directive 76/308/EEC on mutual assistance for the recovery of claims resulting from operations forming part of the system of financing the European Agricultural Guidance and Guarantee Fund, and of agricultural levies and customs duties and in respect of value added tax and certain excise duties	L 175, 28/06/2001	30/06/2002
TAXATION AND CUSTOMS UNION	31999L0085	Council Directive 1999/85/EC of 22 October 1999 amending Directive 77/388/EEC as regards the possibility of applying on an experiment basis a reduced VAT rate on labour-intensive services	L 277, 28/10/1999	1/10/2002
	32002L0093	Council Directive 2002/93/EC of 3 December 2002 amending Directive 77/388/EEC to extend the facility allowing Member States to apply reduced rates of VAT to certain labour-intensive services	L 331, 07/12/2002	7/12/2002
	32002L0010	Council Directive 2002/10/EC of 12 February 2002 amending Directives 92/79/EEC, 92/80/EEC and 95/59/EC as regards the structure and rates of excise duty applied on manufactured tobacco	L 46, 16/02/2002	01/07/2002, 01/01/2008
ENERGY AND TRANSPORT	32002L0040	Commission Directive 2002/40/EC of 8 May 2002 implementing Council Directive 92/75/EEC with regard to energy labelling of household electric ovens (Text with EEA relevance) Repeals Directive 31979L0531 from 1.1.2003	L 128, 15/05/2002	31/12/2002,

Sector	Celex code	Title	OJ reference	Deadline(s) for transposal
ENERGY AND TRANSPORT	32000L0030	Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community	L 203, 10/08/2000	10/08/2002
	32001L0006	Commission Directive 2001/6/EC of 29 January 2001 adapting for the third time to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (Text with EEA relevance)	L 30, 01/02/2001	31/12/2002
	32001L0007	Commission Directive 2001/7/EC of 29 January 2001 adapting for the third time to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (Text with EEA relevance)	L 30, 01/02/2001	31/12/2002
	32001L0009	Commission Directive 2001/9/EC of 12 February 2001 adapting to technical progress Council Directive 96/96/EC on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (Text with EEA relevance)	L 48, 17/02/2001	9/03/2002
	31992L0014	Council Directive 92/14/EEC of 2 March 1992 on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988)	L 076, 23/03/1992	30/06/1992, 01/04/2002
	31998L0020	Council Directive 98/20/EC of 30 March 1998 amending Directive 92/14/EEC on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988)	L 107, 07/04/1998	01/03/1999, 01/04/2002
	31999L0095	Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports	L 014, 20/01/2000	30/06/2002
	32000L0059	Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues	L 332, 28/12/2000	28/12/2002
	32001L0053	Commission Directive 2001/53/EC of 10 July 2001 amending Council Directive 98/98/EC on marine equipment (Text with EEA relevance)	L 204, 28/07/2001	17/02/2002

Sector	Celex code	Title	OJ reference	Deadline(s) for transposal
ENERGY AND TRANSPORT	32002L0025	Commission Directive 2002/25/EC of 5 March 2002 amending Council Directive 98/18/EC on safety rules and standards for passenger ships	L 98, 15/04/2002	15/10/2002

ANNEX 4 - PART 2: NOTIFICATION AND NON-NOTIFICATION OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

"Non-notification" includes both a complete absence of any notification of national implementing measures and cases of incomplete notification of such measures.

NB: The date given is the date of notification to the Member State or the date when the action was filed at the European Court of Justice.

Abbreviations:

LET: letter of formal notice; SLET: supplementary letter of formal notice;

RO: reasoned opinion; SRO: supplementary reasoned opinion;

LET 228 and RO 228: letter of formal notice or reasoned opinion for failure to comply with a judgment of the Court of Justice.

NIM: National implementing measures

The numbering of the directives follows the CELEX code.

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31999L0064 Commission Directive 1999/64/EC of 23 June 1999 amending Directive 90/388/EEC in order to ensure that telecommunications networks and cable TV networks owned by a single operator are separate legal entities

Deadline for transposal: 10.4.2000

Member States which have notified: all except I

ITALY 2000/0578, Referral Case C-2002/017, Withdrawn 24.4.2002

32000L0052 Commission Directive 2000/52/EC of 26 July 2000 amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings.

Deadline for transposal: 31.7.2001

Member States which have notified: DK, D, EL, E, NL, A, UK

BELGIUM	2001/0473, Reasoned opinion 19.12.2002
GREECE	2001/0542, Termination: 26.6.2002
SPAIN	2001/0548, Termination: 26.6.2002
FRANCE	2001/0451, RO: 27.6.2002, Referral (decision): 17.12.2002
IRELAND	2001/0529, RO: 05.7.2002, Referral (decision): 17.12.2002
ITALY	2001/0507, RO: 01.7.2002, Referral (decision): 17.12.2002
LUXEMBOURG	2001/0464, RO 19.12.2002
NETHERLANDS	2001/0487, Termination: 16.10.2002
PORTUGAL	2001/0560, RO: 27.6.2002, Referral (decision): 17.12.2002
FINLAND	2001/0590, RO : 01.7.2002
SWEDEN	2001/0581, RO: 27.6.2002, Referral (decision): 17.12.2002

EDUCATION AND CULTURE

31997L0036 Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities

Deadline for transposal: 30.12.1998

Member States which have notified: all

ITALY	1999/0068, Judgment: 14.6.2001, Case C-2000/207, Termination: 20.12.2001
LUXEMBOURG	1999/0013, Judgment: 21.6.2001, Case C-2000/119, Termination: 18.7.2001
NETHERLANDS	1999/039, Case C-2000/145, Action withdrawn: 13.3.2002

EMPLOYMENT AND SOCIAL AFFAIRS

31993L0104 Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organization of working time

Deadline for transposal: 23.11.1996

Member States which have notified: all except IT

ITALY 1997/0095, RO 228 : 23. 05.2002, 2nd Referral (decision)17.12.2002

31995L0030 Commission Directive 95/30/EC of 30 June 1995 adapting to technical progress Council Directive 90/679/EEC on the protection of workers from risks related to exposure to biological agents at work (seventh individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

Deadline for transposal: 30.11.1996

Member States which have notified: all except A

AUSTRIA 1997/0139, LET 228 19.12.2002

31995L0063 Council Directive 95/63/EC of 5 December 1995 amending Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

Deadline for transposal: 04.12.1998

Member States which have notified: all except IR

IRELAND 1999/0100, Case C-2001/048, Action withdrawn: 31.7.2001

31996L0071 Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services

Deadline for transposal: 16.12.1999

Member States which have notified: all except L

31996L0097 Council Directive 96/97/EC of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes

Deadline for transposal: 01.7.1997 and 09.3.1999

Member States which have notified: all

GREECE 1997/0320, Termination: 24.4.2002

31997L0059 Commission Directive 97/59/EC of 7 October 1997 adapting to technical progress Council Directive 90/679/EEC on the protection of workers from risks related to exposure to biological agents at work (seventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (Text with EEA relevance)

Deadline for transposal: 31.3.1998

Member States which have notified: all except A

AUSTRIA 1998/0244, Case C-2000/110, Judgment: 11.10.2001

31997L0065 Commission Directive 97/65/EC of 26 November 1997 adapting, for the third time, to technical progress Council Directive 90/679/EEC on the protection of workers from risks related to exposure to biological agents at work (Text with EEA relevance)

Deadline for transposal: 30.6.1998

Member States which have notified: all

AUSTRIA 1998/0433, Termination: 16.10.2002

31997L0080 Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex (Directive not applying to the United Kingdom)

Deadline for transposal: 01.1.2001

Member States which have notified: all except B, D, EL

GREECE 2001/0296, RO 18.7.2002

31997L0081 Council Directive 97/81/EC of 15 December 1997 on the framework agreement on part-time working concluded by UNICE, CEEP and the ETUC

Deadline for transposal: 20.1.2000

Member States which have notified: all except F (not addressed to UK)

31998L0024 Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Deadline for transposal: 05.5.2001

Member States which have notified: B, EL, IRL, I, L, NL, P, FI, S

BELGIUM	2001/0347, Termination: 26.6.2002
DENMARK	2001/0392, RO 19.12.2002
GERMANY	2001/0364, RO 21.3.2002
FRANCE	2001/0334, Referral, Case C-2002/269
IRELAND	2001/0386, Termination: 26.6.2002
ITALY	2001/0371, Termination: 26.6.2002
LUXEMBOURG	2001/0341, Case C-2002/268, Action withdrawn: 16.10.2002
NETHERLANDS	2001/0357, Termination: 26.6.2002
AUSTRIA	2001/0422, RO 19.12.2002
PORTUGAL	2001/0412, Termination: 20.12.2001
UNITED KINGDOM	2001/0380, RO: 21.12.2001, Referral (decision): 26.6.2002

31998L0049 Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community

Deadline for transposal: 25.7.2001

(Deadline for notification: 25.1.2002)

Member States which have notified: DK, D, E, F, I, L, NL, A, P, FI, UK

BELGIUM	2002/0147, LET: 17.4.2002
GREECE	2002/0188, LET: 17.4.2002
IRELAND	2002/0178, LET: 17.4.2002
SWEDEN	2002/0214, LET: 17.4.2002

31998L0050 Council Directive 98/50/EC of 29 June 1998 amending Directive 77/187/EEC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses

Deadline for transposal: 17.7.2001

Member States which have notified: all except IRL, L and P

BELGIUM	2001/0466, Termination: 16.10.2002
DENMARK	2001/0531, Termination: 20.3.2002
GERMANY	2001/0488, Termination: 16.10.2002
GREECE	2001/0535, Termination: 17.12.2002
FRANCE	2001/0448, Termination: 20.3.2002
IRELAND	2001/0521, RO: 25.4.2002, Referral (decision): 17.12.2002
LUXEMBOURG	2001/0459, LET: 19.10.2001
NETHERLANDS	2001/0479, Termination: 16.10.2002
AUSTRIA	2001/0562, Termination: 17.7.2002
PORTUGAL	2001/0552, RO : 25.10.2002
SWEDEN	2001/0574, Termination: 20.3.2002
UNITED KINGDOM	2001/0512, Termination: 17.12.2002

31999L0063 Council Directive 1999/63/CE of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST)

Deadline for transposal: 30.6.2002

Member States which have notified: E, NL, FI

BELGIUM	2002/0352, LET: 16.7.2002, Termination: 17.12.2002
DENMARK	2002/0396, LET 16.7.2002, Termination 17.12.2002
GERMANY	2002/0362, LET 16.7.2002, Termination 17.12.2002
GREECE	2002/0402, LET: 16.7.2002
FRANCE	2002/0338, LET 16.7.2002
IRELAND	2002/0387, LET: 16.7.2002
ITALY	2002/0372, LET 16.7.2002
LUXEMBOURG	2002/0345, LET 16.7.2002, Termination 17.12.2002
AUSTRIA	2002/0423, LET: 16.7.2002
PORTUGAL	2002/0412, LET: 16.7.2002
SWEDEN	2002/0432, LET: 16.7.2002, Termination: 17.12.2002
UNITED KINGDOM	2002/0380, LET 16.7.2002, Termination 17.12.2002

31999L0070 Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP

Deadline for transposal: 10.7.2001

Member States which have notified: B, D, E, F, I, A, FI, S, UK

BELGIUM	2001/0470, Termination: 16.10.2002
FRANCE	2001/0450, Termination: 20.3.2002
IRELAND	2001/0526, RO: 27.6.2002, Referral (decision): 17.12.2002
NETHERLANDS	2001/0483, RO 31.10.2002
AUSTRIA	2001/0565, Termination: 26.6.2002
SWEDEN	2001/0578, Termination: 16.10.2002

ENTERPRISE

Equipment

31997L0023 Directive 97/23/EC of the European Parliament and of the Council of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment
Deadline for transposal: 28.5.1999

Member States which have notified: all except D

GERMANY 1999/0479, Referral Case C-2002/135

31998L0079 Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices
Deadline for transposal: 07.12.1999

Member States which have notified: all except F

BELGIUM	2000/0212, Termination: 15.1.2002
GERMANY	2000/0230, Termination: 26.6.2002
FRANCE	2000/0178, RO: 26.6.2002, Referral (decision): 17.12.2002

31999L0005 Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity
Deadline for transposal: 07.4.2000

Member States which have notified: all

GREECE 2000/0673, Case C-2001/367, Action withdrawn: 17.7.2002

31999L0103 Directive 1999/103/EC of the European Parliament and of the Council of 24 January 2000 amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement

Deadline for transposal: 09.2.2001

Member States which have notified: all except F and P

GREECE	2001/0204, Termination: 26.6.2002
FRANCE	2001/0144, RO 21.3.2002
AUSTRIA	2001/0226, Termination: 17.7.2002
PORTUGAL	2001/0218, Case C-2002/339

32000L0070 Directive 2000/70/EC of the European Parliament and of the Council of 16 November 2000 amending Council Directive 93/42/EEC as regards medical devices incorporating stable derivatives of human blood or human plasma

Deadline for transposal: 13.12.2001

Member States which have notified: D, DK, E, EL, L, NL, S, FI, UK

BELGIUM	2002/0022, LET: 12.2.2002, RO: 18.7.2002, Referral (decision): 17.12.2002
DENMARK	2002/0075, LET 12.2.2002, Termination 26.6.2002
GERMANY	2002/0040, LET: 12.2.2002, Termination: 26.6.2002
SPAIN	2002/0094, LET 12.2.2002, Termination 16.10.2002
FRANCE	2002/0005, LET: 12.2.2002, RO: 18.7.2002, Referral (decision): 17.12.2001
IRELAND	2002/0065, LET: 12.2.2002, RO: 12.2.2002, Referral (decision): 17.12.2001
ITALY	2002/0050, LET: 12.2.2002, RO: 18.7.2002, Referral (decision): 17.12.2001
NETHERLANDS	2002/0032, LET 12.2.2002, Termination 16.10.2002
AUSTRIA	2002/0113, LET: 12.2.2002, RO: 23.10.2002
PORTUGAL	2002/0101, LET: 12.2.2002, RO: 12.2.2002, Referral (decision): 17.12.2001
FINLAND	2002/0127, LET: 12.2.2002, Termination: 16.10.2002
SWEDEN	2002/0120, LET 12.2.2002, Termination 26.6.2002
UNITED KINGDOM	2002/0058, LET 12.2.2002, Termination 16.10.2002

32001L0104 Directive 2001/104/EC of the European Parliament and of the Council of 07.12.1 amending Council Directive 93/42/EEC concerning medical devices

Deadline for transposal: 13.6.2002

Member States which have notified: DK, D, EL, E, L, NL, FI, S, UK

BELGIUM	2002/0356, LET: 16.7.2002, RO: 19.12.2002
SPAIN	2002/0411, LET 16.7.2002, Termination 17.12.2002
FRANCE	2002/0344, LET: 16.7.2002, RO: 19.12.2002
IRELAND	2002/0395, LET: 16.7.2002, RO: 19.12.2002
ITALY	2002/0379, LET: 16.7.2002, RO: 19.12.2002
NETHERLANDS	2002/0361, LET 16.7.2002, Termination 17.12.2002
AUSTRIA	2002/0431, LET: 16.7.2002
PORTUGAL	2002/0422, LET: 16.7.2002, RO: 19.12.2002

Chemicals

31993L0015 Council Directive 93/15/EEC of 5 April 1993 on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses

Deadline for transposal: 29.9.1993 and 29.9.1994

Member States which have notified: all except F and L

FRANCE 1994/0449, RO 228 17.7.2002 (decision suspended)
LUXEMBOURG 2001/2126, RO: 27.6.2002, Referral (decision): 17.12.2002

31999L0011 Commission Directive 1999/11/EC of 8 March 1999 adapting to technical progress the principles of good laboratory practice as specified in Council Directive 87/18/EEC on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their applications for tests on chemical substances

Deadline for transposal: 30.9.1999

Member States which have notified: all

BELGIUM 2000/0036, Termination: 09.4.2002

31999L0012 Commission Directive 1999/12/EC of 8 March 1999 adapting to technical progress for the second time the Annex to Council Directive 88/320/EEC on the inspection and verification of good laboratory practice (GLP)

Deadline for transposal: 30.9.1999

Member States which have notified: all

BELGIUM 2000/0035, Referral (decision) 20.3.2002, Termination 09.4.2002

31999L0043 Directive 1999/43/EC of the European Parliament and of the Council of 25 May 1999 amending for the 17th time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations

Deadline for transposal: 01.7.2000

Member States which have notified: all

AUSTRIA 2000/0877, Termination: 15.1.2002

31999L0045 Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (OJ L 200, 30.7.1999, p. 1).

Deadline for transposal: 30.7.2002

Member States which have notified: B, DK, EL, A, FI, UK

GERMANY 2002/0481, LET: 30.9.2002
GREECE 2002/0528, LET: 30.9.2002, Termination: 17.12.2002
SPAIN 2002/0538, LET 30.9.2002
FRANCE 2002/0444, LET: 30.9.2002
IRELAND 2002/0511, LET: 30.9.2002
ITALY 2002/0491, LET: 30.9.2002
LUXEMBOURG 2002/0456, LET: 30.9.2002
NETHERLANDS 2002/0469, LET: 30.9.2002
PORTUGAL 2002/0548, LET: 30.9.2002
SWEDEN 2002/0571, LET: 30.9.2002
UNITED KINGDOM 2002/0502, LET 30.9.2002, Termination 17.12.2002

31999L0051 Commission Directive 1999/51/EC of 26 May 1999 adapting to technical progress for the fifth time Annex I to Council Directive 76/769/EEC on the approximations of the laws, regulations, and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (tin, PCP and cadmium) (Text with EEA relevance)

Deadline for transposal: 29.2.2000

Member States which have notified: all

FRANCE 2001/0.1, Case C-2002/16, Action withdrawn: 30.4.2002

32001L0008 Commission Directive 2001/8/EC of 8 February 2001 replacing Annex I to Council Directive 92/109/EEC on the manufacture and placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances

Deadline for transposal: 01.3.2001

Member States which have notified: all except IR and P

IRELAND 2001/0290, RO: 25.1.2002, Referral: 24.9.2001, Case C-2002/410
AUSTRIA 2001/0323, RO: 25.1.2002, Termination: 26.6.2002
PORTUGAL 2001/0317, RO: 07.2.2002, Referral Case C-2002/363
UNITED KINGDOM 2001/0283, RO: 25.1.2002, Termination: 26.6.2002

32001L0041 Directive 2001/41/EC of the European Parliament and of the Council of 19 June 2001 amending, for the twenty-first time, Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations, as regards substances classified as carcinogens, mutagens or substances toxic to reproduction

Deadline for transposal: 19.7.2002

Member States which have notified: B, DK, EL, E, I, FI, S, UK

GERMANY 2002/0484, LET: 30.9.2002
FRANCE 2002/0449, LET 30.9.2002
IRELAND 2002/0516, LET: 30.9.2002
ITALY 2002/0495, LET: 30.9.2002, Termination 17.12.2002
LUXEMBOURG 2002/0461, LET: 30.9.2002
NETHERLANDS 2002/0474, LET: 30.9.2002
AUSTRIA 2002/0565, LET: 30.9.2002
PORTUGAL 2002/0553, LET: 30.9.2002
SWEDEN 2002/0572, LET: 30.9.2002, Termination: 17.12.2002
UNITED KINGDOM 2002/0505, LET: 30.9.2002, Termination: 17.12.2002

32001L0058 Commission Directive 2001/58/EC of 27 July 2001 amending for the second time Directive 91/155/EEC defining and laying down the detailed arrangements for the system of specific information relating to dangerous preparations in implementation of Article 14 of European Parliament and Council Directive 1999/45/EC and relating to dangerous substances in implementation of Article 27 of Council Directive 67/548/EEC (safety data sheets) (Text with EEA relevance)

Deadline for transposal: 31.7.2002

Member States which have notified: B, DK, EL, I, A, FI, UK

GERMANY	2002/0486, LET: 30.9.2002
SPAIN	2002/0542, LET: 30.9.2002
FRANCE	2002/0450, LET: 30.9.2002
IRELAND	2002/0517, LET: 30.9.2002
ITALY	2002/0496, LET 30.9.2002, Termination 17.12.2002
LUXEMBOURG	2002/0462, LET: 30.9.2002
NETHERLANDS	2002/0475, LET: 30.9.2002
PORTUGAL	2002/0555, LET: 30.9.2002
SWEDEN	2002/0574, LET: 30.9.2002
UNITED KINGDOM	2002/0506, LET: 30.9.2002, Termination: 17.12.2002

32001L0060 Commission Directive 2001/60/EC of 7 August 2001 adapting to technical progress Directive 1999/45/EC of the European Parliament and of the Council concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (Text with EEA relevance)

Deadline for transposal: 31.7.2002

Member States which have notified: B, DK, EL, A, FI, UK

DENMARK	2002/0526, LET: 30.9.2002, Termination: 17.12.2002
GERMANY	2002/0487, LET: 30.9.2002
GREECE	2002/0533, LET: 30.9.2002, Termination: 17.12.2002
SPAIN	2002/0544, LET: 30.9.2002
FRANCE	2002/0452, LET 30.9.2002
IRELAND	2002/0519, LET: 30.9.2002
ITALY	2002/0498, LET: 30.9.2002
LUXEMBOURG	2002/0463, LET: 30.9.2002
NETHERLANDS	2002/0477, LET: 30.9.2002
PORTUGAL	2002/0556, LET: 30.9.2002
FINLAND	2002/0580, LET: 30.9.2002, Termination: 17.12.2002
SWEDEN	2002/0575, LET: 30.9.2002
UNITED KINGDOM	2002/0508, LET 30.9.2002, Termination 17.12.2002

32001L0090 Commission Directive 2001/90/EC of 26.10.1 adapting to technical progress for the 7th time Annex I to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (creosote) (Text with EEA relevance)

Deadline for transposal: 31.12.2002

Member States which have notified: B, D, E

32001L0091 Commission Directive 2001/91/EC of 29.10.1 adapting to technical progress for the 8th time Annex I to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (Text with EEA relevance)

Deadline for transposal: 31.12.2002

Member States which have notified: DK, D, E

Aerospace, defence, railway and shipping industries

32000L0009 Directive 2000/9/EC of the European Parliament and of the Council of 20 March 2000 relating to cableway installations designed to carry persons

Deadline for transposal: 03.5.2002

Member States which have notified: E, S

BELGIUM	2002/0354, LET: 16.7.2002
GERMANY	2002/0364, LET: 16.7.2002, RO: 19.12.2002
GREECE	2002/0404, LET: 16.7.2002, RO: 19.12.2002
SPAIN	2002/0408, LET 16.7.2002, Termination 17.12.2002
FRANCE	2002/0340, LET 16.7.2002
IRELAND	2002/0389, LET: 16.7.2002, RO: 19.12.2002
ITALY	2002/0374, LET: 16.7.2002, RO: 19.12.2002
LUXEMBOURG	2002/0347, LET: 16.7.2002, RO: 19.12.2002
NETHERLANDS	2002/0358, LET: 16.7.2002, RO: 19.12.2002
AUSTRIA	2002/0425, LET 16.7.2002, RO 19.12.2002
PORTUGAL	2002/0414, LET: 16.7.2002
SWEDEN	2002/0434, LET 16.7.2002, Termination 17.12.2002
UNITED KINGDOM	2002/0382, LET: 16.7.2002, RO: 19.12.2002

Pharmaceuticals and Cosmetics

31997L0018 Commission Directive 97/18/EC of 17 April 1997 postponing the date after which animal tests are prohibited for ingredients or combinations of ingredients of cosmetic products (Text with EEA relevance)

Deadline for transposal: 31.12.1997

Member States which have notified: B, DK, EL, E, IR, I, L, NL, A, P, FI, UK

GERMANY	1998/0017, RO 04.9.1998
FRANCE	1998/0040, RO 04.9.1998
SWEDEN	1998/0092, RO 04.9.1998

32000L0037 Commission Directive 2000/37/EC of 5 June 2000 amending Chapter VIa 'Pharmacovigilance' of Council Directive 81/851/EEC on the approximation of the laws of the Member States relating to veterinary medicinal products (Text with EEA relevance)

Deadline for transposal: 05.12.2001

Member States which have notified: B, DK, EL, E, IR, L, NL, FI, S, UK

BELGIUM	2002/0017, LET: 12.2.2002, Termination: 26.6.2002
DENMARK	2002/0071, LET 12.2.2002, Termination 17.12.2002
GERMANY	2002/0035, LET: 12.2.2002, RO: 01.7.2002, Referral (decision): 17.12.2001
GREECE	2002/0083, LET: 12.2.2002, RO: 01.7.2002, Termination 17.12.2002
SPAIN	2002/0090, LET 12.2.2002, Termination 26.6.2002
FRANCE	2002/0001, LET: 12.2.2002, RO: 22.7.2002,
IRELAND	2002/0062, LET 12.2.2002, Termination 26.6.2002
ITALY	2002/0045, LET: 12.2.2002, RO: 07.11.2002
LUXEMBOURG	2002/0010, LET 12.2.2002, Termination 26.6.2002
AUSTRIA	2002/0109, LET: 12.2.2002

PORTUGAL 2002/0098, LET: 12.2.2002, RO: 01.7.2002
FINLAND 2002/0122, LET 12.2.2002, Termination 26.6.2002
UNITED KINGDOM 2002/0055, LET 12.2.2002, Termination 26.6.2002

32000L0038 Commission Directive 2000/38/EC of 5 June 2000 amending Chapter Va (Pharmacovigilance) of Council Directive 75/319/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to medicinal products (Text with EEA relevance)
Deadline for transposal: 05.12.2001

Member States which have notified: B, DK, EL, E, IR, L, NL, FI, S, UK

BELGIUM 2002/0018, LET 12.2.2002, Termination 26.6.2002
DENMARK 2002/0072, LET 12.2.2002, Termination 17.12.2002
GERMANY 2002/0036, LET: 12.2.2002, RO: 01.7.2002, Referral (decision): 17.12.2001
SPAIN 2002/0091, LET 12.2.2002, Termination 17.12.2002
FRANCE 2002/0002, LET: 12.2.2002
IRELAND 2002/0063, LET: 12.2.2002, Termination: 17.12.2002
ITALY 2002/0046, LET: 12.2.2002, RO: 07.11.2002
LUXEMBOURG 2002/0011, LET 12.2.2002, Termination 26.6.2002
NETHERLANDS 2002/0029, LET 12.2.2002, Termination 17.12.2002
AUSTRIA 2002/0110, LET: 12.2.2002
PORTUGAL 2002/0099, LET: 12.2.2002, RO: 01.7.2002
FINLAND 2002/0123, LET 12.2.2002, Termination 26.6.2002
UNITED KINGDOM 2002/0056, LET 12.2.2002, Termination 26.6.2002

32000L0041 Commission Directive 2000/41/EC of 19 June 2000 postponing for a second time the date after which animal tests are prohibited for ingredients or combinations of ingredients of cosmetic products (Text with EEA relevance)

Deadline for transposal: 29.6.2000

Member States which have notified: B, DK, EL, E, IR, I, L, NL, A, P, FI, UK

Motor Vehicles

31999L0026 Commission Directive 1999/26/EC of 20 April 1999 adapting to technical progress Council Directive 93/94/EEC relating to the space for mounting the rear registration plate of two or three-wheel motor vehicles (Text with EEA relevance)

Deadline for transposal: 31.12.1999

Member States which have notified: all

AUSTRIA 2000/0346, Termination: 26.6.2002

31999L0040 Commission Directive 1999/40/EC of 6 May 1999 adapting to technical progress Council Directive 79/622/EEC relating to the roll-over protection structures of wheeled agricultural or forestry tractors (static testing) (Text with EEA relevance)

Deadline for transposal: 30.6.2000

Member States which have notified: all except NL

NETHERLANDS 2000/0547, LET: 08.8.2000
AUSTRIA 2000/0739, Termination: 26.6.2002

31999L0055 Commission Directive 1999/55/EC of 1 June 1999 adapting to technical progress Council Directive 77/536/EEC relating to the roll-over protection structures of wheeled agricultural or forestry tractors (Text with EEA relevance)

Deadline for transposal: 30.6.2000

Member States which have notified: all except NL

NETHERLANDS 2000/0546, LET: 08.8.2000

31999L0086 Council Directive 1999/86/EC of 11 November 1999 adapting to technical progress Directive 76/763/EEC on the approximation of the laws of the Member States relating to passenger seats for wheeled agricultural or forestry tractors

Deadline for transposal: 01.1.2001

Member States which have notified: all except NL

GREECE 2001/0091, Case C-2002/59, Action withdrawn: 24.4.2002
NETHERLANDS 2001/0031, LET: 23.3.2001
AUSTRIA 2001/0117, Termination: 26.6.2002
PORTUGAL 2001/0107, Termination: 2003.2002

31999L0096 Directive 1999/96/EC of the European Parliament and of the Council of 13 December 1999 on the approximation of the laws of the Member States relating to measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles and amending Council Directive 88/77/EEC

Deadline for transposal: 01.7.2000

Member States which have notified: all

PORTUGAL 2000/0706, Termination: 24.4.2002
AUSTRIA 2000/0734, Termination: 26.6.2002

31999L0099 Commission Directive 1999/99/EC of 15 December 1999 adapting to technical progress Council Directive 80/1269/EEC on the approximation of the laws of the Member States relating to the engine power of motor vehicles (Text with EEA relevance)

Deadline for transposal: 01.1.2000

Member States which have notified: all

AUSTRIA 2000/0340, Termination: 26.6.2002

31999L0100 Commission Directive 1999/100/EC of 15 December 1999 adapting to technical progress Council Directive 80/1268/EEC relating to the carbon dioxide emissions and the fuel consumption of motor vehicles (Text with EEA relevance)

Deadline for transposal: 31.12.1999

Member States which have notified: all

AUSTRIA 2000/0339, Termination: 26.6.2002

31999L0101 Commission Directive 1999/101/EC of 15 December 1999 adapting to technical progress Council Directive 70/157/EEC relating to the permissible sound level and the exhaust system of motor vehicles (Text with EEA relevance)

Deadline for transposal: 31.3.2000

Member States which have notified: all

AUSTRIA 2000/0733, Termination: 26.6.2002

31999L0102 Commission Directive 1999/102/EC of 15 December 1999 adapting to technical progress Council Directive 70/220/EEC relating to measures to be taken against air pollution by emissions from motor vehicles (Text with EEA relevance)

Deadline for transposal: 31.12.1999

Member States which have notified: all

AUSTRIA 2000/0338, Termination: 26.6.2002

32000L0001 Commission Directive 2000/1/EC of 14 January 2000 adapting to technical progress Council Directive 89/173/EEC as regards certain components and characteristics of wheeled agricultural or forestry tractors (Text with EEA relevance)

Deadline for transposal: 30.6.2000

Member States which have notified: all

AUSTRIA 2000/0732, Termination: 26.6.2002

PORTUGAL 2000/0704, Termination: 30.1.2002

32000L0002 Commission Directive 2000/2/EC of 14 January 2000 adapting to technical progress Council Directive 75/322/EEC relating to the suppression of radio interference produced by spark-ignition engines fitted to wheeled agricultural or forestry tractors and Council Directive 74/150/EEC relating to the type-approval of wheeled agricultural or forestry tractors (Text with EEA relevance)

Deadline for transposal: 31.12.2000

Member States which have notified: all except NL

NETHERLANDS 2001/0028, LET: 23.3.2001

AUSTRIA 2001/0115, Termination: 26.6.2002

PORTUGAL 2001/0105, Referral Case C-2002/04, Withdrawn 26.6.2002

32000L0003 Commission Directive 2000/3/EC of 22 February 2000 adapting to technical progress Council Directive 77/541/EEC relating to safety belts and restraint systems of motor vehicles (Text with EEA relevance)

Deadline for transposal: 30.9.2000

Member States which have notified: all

AUSTRIA 2000/0940, Termination: 26.6.2002

32000L0007 Directive 2000/7/EC of the European Parliament and of the Council of 20 March 2000 on speedometers for two- or three-wheel motor vehicles and amending Council Directive 92/61/EEC on the type-approval of two- or three-wheel motor vehicles

Deadline for transposal: 31.12.2000

Member States which have notified: all

AUSTRIA 2001/0114, Termination: 26.6.2002
PORTUGAL 2001/0104, Termination: 24.4.2002

32000L0008 Directive 2000/8/EC of the European Parliament and of the Council of 20 March 2000 amending Council Directive 70/221/EEC on the approximation of the laws of the Member States relating to liquid fuel tanks and rear underrun protection of motor vehicles and their trailers

Deadline for transposal: 03.5.2001

Member States which have notified: all

AUSTRIA 2001/0423, Termination: 26.6.2002
PORTUGAL 2001/0413, Termination: 26.6.2002

32000L0019 Commission Directive 2000/19/EC of 13 April 2000 adapting to technical progress Council Directive 86/298/EEC on rear-mounted roll-over protection structures of narrow-track wheeled agricultural and forestry tractors (Text with EEA relevance)

Deadline for transposal: 30.6.2001

Member States which have notified: all except NL

GREECE 2001/0402, Termination: 26.6.2002
NETHERLANDS 2001/0359, LET: 20.7.2001
AUSTRIA 2001/0425, Termination: 26.6.2002
PORTUGAL 2001/0415, Termination: 26.6.2002

32000L0022 Commission Directive 2000/22/EC of 28 April 2000 adapting to technical progress Council Directive 87/402/EEC on roll-over protection structures mounted in front of the driver's seat on narrow-track wheeled agricultural and forestry tractors (Text with EEA relevance)

Deadline for transposal: 30.6.2001

Member States which have notified: all

GREECE 2001/0403, Termination: 26.6.2002
AUSTRIA 2001/0426, Termination: 26.6.2002
PORTUGAL 2001/0416, Termination: 20.3.2002

32000L0025 Directive 2000/25/EC of the European Parliament and of the Council of 22 May 2000 on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors and amending Council Directive 74/150/EEC

Deadline for transposal: 29.9.2000

Member States which have notified: all

AUSTRIA 2000/0939, Termination: 26.6.2002
PORTUGAL 2000/0935, Termination: 26.6.2002

32001L0001 Directive 2001/1/EC of the European Parliament and of the Council of 22 January 2001 amending Council Directive 70/220/EEC concerning measures to be taken against air pollution by emissions from motor vehicles

Deadline for transposal: 06.2.2002

Member States which have notified: all except EL

GREECE 2002/0193, LET: 17.4.2002, RO: 19.12.2002
PORTUGAL 2002/0203, LET 17.4.2002, Termination 17.12.2002

32001L0003 Commission Directive 2001/3/EC of 8 January 2001 adapting to technical progress Council Directive 74/150/EEC relating to the type-approval of wheeled agricultural or forestry tractors and Council Directive 75/322/EEC relating to the suppression of radio interference produced by spark-ignition engines fitted to wheeled agricultural or forestry tractors (Text with EEA relevance)

Deadline for transposal: 30.6.2002

Member States which have notified: B, DK, E, F, IR, I, L, NL, A, FI, UK

GERMANY 2002/0365, LET: 16.7.2002
GREECE 2002/0405, LET: 16.7.2002, RO: 19.12.2002
IRELAND 2002/0390, LET 16.7.2002, Termination 17.12.2002
ITALY 2002/0375, LET: 16.7.2002, Termination: 17.12.2002
PORTUGAL 2002/0415, LET: 16.7.2002, RO: 19.12.2002
SWEDEN 2002/0435, LET: 16.7.2002, RO: 19.12.2002

32001L0027 Commission Directive 2001/27/EC of 10 April 2001 adapting to technical progress Council Directive 88/77/EEC on the approximation of the laws of the Member States relating to measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (Text with EEA relevance)

Deadline for transposal: 01.10.2001

Member States which have notified: all except P

BELGIUM 2001/0600, LET 05.12.2001, Termination 26.6.2002
GREECE 2001/0614, LET 05.12.2001, Termination 26.6.2002
FRANCE 2001/0595, LET: 05.12.2001, Termination: 20.3.2002
ITALY 2002/0606, LET 05.12.2001, Termination 26.6.2002
LUXEMBOURG 2001/0597, LET: 05.12.2001, Termination: 26.6.2002
AUSTRIA 2001/0621, LET 05.12.2001, Termination 26.6.2002
PORTUGAL 2001/0018, LET: 05.12.2001, RO: 27.6.2002, Referral (decision): 17.12.2002

c

32001L0031 Commission Directive 2001/31/EC of 8 May 2001 adapting to technical progress Council Directive 70/387/EEC relating to the doors of motor vehicles and their trailers (Text with EEA relevance)
Deadline for transposal: 30.9.2001

Member States which have notified: all

BELGIUM	2001/0601, LET 05.12.2001, Termination 26.6.2002
GERMANY	2001/0604, LET 05.12.2001, Termination 26.6.2002
GREECE	2001/0615, LET 05.12.2001, Termination 20.3.2002
IRELAND	2001/0610, LET 05.12.2001, Termination 26.6.2002
LUXEMBOURG	2001/0598, LET: 05.12.2001, Termination: 26.6.2002
AUSTRIA	2001/0622, LET 05.12.2001, Termination 26.6.2002
PORTUGAL	2001/0619, LET 05.12.2001, Termination 17.7.2002
SWEDEN	2001/0626, LET 05.12.2001, Termination 26.6.2002

32001L0043 Directive 2001/43/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting

Deadline for transposal: 03.8.2002

Member States which have notified: B, DK, E, F, IR, I, L, NL, FI, UK

GERMANY	2002/0485, LET: 30.9.2002
GREECE	2002/0532, LET: 30.9.2002
AUSTRIA	2002/0566, LET: 30.9.2002
PORTUGAL	2002/0554, LET: 30.9.2002
SWEDEN	2002/0573, LET: 30/09/2002

32001L0092 Commission Directive 2001/92/EC of 30 October 2001 adapting to technical progress Council Directive 92/22/EEC on safety glazing and glazing materials on motor vehicles and their trailers and Council Directive 70/156/EEC relating to the type-approval of motor vehicles and their trailers (Text with EEA relevance)

Deadline for transposal: 30.6.2002

Member States which have notified: B, DK, EL, E, F, IR, I, L, NL, FI, S, UK

DENMARK	2002/0401, LET 16.7.2002, Termination 17.12.2002
GERMANY	2002/0371, LET: 16.7.2002
GREECE	2002/0407, LET 16.7.2002, Termination 17.12.2002
SPAIN	2002/0410, LET 16.7.2002, Termination 17.12.2002
FRANCE	2002/0343, LET: 16.7.2002, Termination: 17.12.2002
LUXEMBOURG	2002/0350, LET: 16.7.2002, Termination: 17.12.2002
NETHERLANDS	2002/0360, LET 16.7.2002, Termination 17.12.2002
AUSTRIA	2002/0430, LET: 16.7.2002, RO: 19.12.2002
PORTUGAL	2002/0421, LET: 16.7.2002, RO: 19.12.2002
FINLAND	2002/0443, LET 16.7.2002, Termination 17.12.2002
SWEDEN	2002/0438, LET: 16.7.2002, Termination: 17.12.2002
UNITED KINGDOM	2002/0385, LET 16.7.2002, Termination 17.12.2002

32001L0100 Directive 2001/100/EC of the European Parliament and of the Council of 7 December 2001 amending Council Directive 70/220/EEC on the approximation of the laws of the Member States on measures to be taken against air pollution by emissions from motor vehicles (Text with EEA relevance)Deadline for transposal: 30.6.2002

Member States which have notified: D, E, IR, L, FI, UK

BELGIUM	2002/0596, LET: 21.11.2002
DENMARK	2002/0617, LET: 21.11.2002
GREECE	2002/0622, LET: 21.11.2002
FRANCE	2002/0589, LET: 21.11.2002
ITALY	2002/0608, LET 21.11.2002
NETHERLANDS	2002/0600, LET: 21.11.2002
AUSTRIA	2002/0633, LET: 21.11.2002
PORTUGAL	2002/0629, LET: 21.11.2002
SWEDEN	2002/0635, LET: 21.11.2002

32001L0116 Commission Directive 2001/116/EC of 20 December 2001 adapting to technical progress Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers.

for transposal: 01.7.2002

Member States which have notified: DK, EL, E, F, IR, I, L, NL, UK

BELGIUM	2002/0468, LET: 30.9.2002
GERMANY	2002/0488, LET: 30.9.2002
FRANCE	2002/0453, LET 30.9.2002, Termination 17.12.2002
NETHERLANDS	2002/0478, LET 30.9.2002, Termination 17.12.2002
AUSTRIA	2002/0568, LET: 30.9.2002
PORTUGAL	2002/0559, LET: 30.9.2002
FINLAND	2002/0583, LET: 30.9.2002
SWEDEN	2002/0577, LET: 30.9.2002

32002L0078 Commission Directive 2002/78/EC of 1 October 2002 adapting to technical progress Council Directive 71/320/EEC on the approximation of the laws of the Member States relating to the braking devices of certain categories of motor vehicles and their trailers

Deadline for transposal: 31.12.2002

Member States which have notified: F, IR, S

Payment delays

32000L0035 Directive 2000/35/EC of the European Parliament and of the Council of 29 June 2000 on combating late payment in commercial transactions

Deadline for transposal: 08.8.2002

Member States which have notified: B, DK, D, F, IR, FI, S, UK

GREECE	2002/0530, LET 30.9.2002
SPAIN	2002/0541, LET: 30.9.2002
ITALY	2002/0493, LET: 30.9.2002
LUXEMBOURG	2002/0459, LET: 30.9.2002
NETHERLANDS	2002/0472, LET: 30.9.2002
AUSTRIA	2002/0563, LET: 30.9.2002

PORTUGAL 2002/0551, LET: 30.9.2002

ENVIRONMENT

Introductory

31996L0082 Council Directive 1996/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances

Deadline for transposal: 03.2.1999

Member States which have notified: all except B and F

BELGIUM	1999/0457, Case C-2000/423, Judgment 17.1.2002
GERMANY	1999/0240, Case C-2000/383, Judgment 14.5.2002, Termination 26.6.2002
IRELAND	1999/0270, Case C-2000/394, Judgment 17.1.2002, Termination 26.6.2002
FRANCE	1999/0208, SLET 19.12.2002

31997L0011 Council Directive 1997/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment

Deadline for transposal: 14.3.1999

Member States which have notified: all except B, F, and L

BELGIUM	1999/0350, Judgment: 19.11.2002, Case C-2001/319
GREECE	1999/0399, Case C-2000/374, Action withdrawn: 17.7.2002
FRANCE	1999/0338, Judgment: 07.11.2002, Case C-2001/348
LUXEMBOURG	1999/0343, Case C-2000/366, Judgment 19.2.2002, LET 228 19.12.2002

32001L0018 Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC

Deadline for transposal: 17.10.2002

Member States which have notified: DK

BELGIUM	2002/0594, LET: 21.11.2002
GERMANY	2002/0601, LET: 21.11.2002
GREECE	2002/0619, LET: 21.11.2002
SPAIN	2002/0624, LET 21.11.2002
FRANCE	2002/0586, LET: 21.11.2002
IRELAND	2002/0613, LET 21.11.2002
ITALY	2002/0605, LET: 21.11.2002
LUXEMBOURG	2002/0591, LET: 21.11.2002
NETHERLANDS	2002/0598, LET: 21.11.2002
AUSTRIA	2002/0631, LET: 21.11.2002

PORTUGAL 2002/0626, LET: 21.11.2002
FINLAND 2002/0637, LET: 21.11.2002
SWEDEN 2002/0634, LET: 21.11.2002

Water

31998L0083 Council Directive 98/83/EEC of 3 November 1998 relating to the quality of water intended for human consumption

Deadline for transposal: 24.12.2000

Member States which have notified: all except B and E

BELGIUM 2001/0160, Case C-2002/122
DENMARK 2001/0198, Termination: 20.3.2002
SPAIN 2001/0212, Case C-2002/029
FRANCE 2001/0145, Termination: 20.3.2002
LUXEMBOURG 2001/0153, Referral Case C-2002/120, Withdrawn 30.10.2002
SWEDEN 2001/0231, Termination: 24.4.2002

Air

31996L0061 Council Directive 1996/61/EC of 24 September 1996 concerning integrated pollution prevention and control

Deadline for transposal: 30.10.1999

Member States which have notified: all except EL, L and UK

LUXEMBOURG 2000/0026, SUPRO 28.10.2002
UNITED KINGDOM 2000/0070, Case C-2001/039, Judgment 07.3.2002, LET 228 19.12.2002
GREECE 2000/0105, Case C-2001/064, Judgment 07.3.2002, LET 228 19.12.2002
SPAIN 2000/0113, Case C-2001/029, Judgment 07.3.2002, Termination 17.12.2002
BELGIUM 2000/2029, Case C-2001/435, Action withdrawn: 30.10.2002

31996L0062 Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management

Deadline for transposal: 21.5.1998

Member States which have notified: all except E

SPAIN 1998/0342 Judgement: 13.9.2001, Case C-1999/417

31998L0070 Directive 1998/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC

Deadline for transposal: 01.7.1999

Member States which have notified: all except UK

UNITED KINGDOM 1999/0633, Referral: 24.1.2001, Case C-2001/030

31999L0013 Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations

Deadline for transposal: 01.4.2001

Member States which have notified: B, DK, D, EL, F, L, NL, A, P, FI, S

BELGIUM	2001/0429, RO: 16.9.2002, Termination: 17.12.2002
DENMARK	2001/0292, Termination: 26.6.2002
GERMANY	2001/0263, Termination: 20.12.2001
GREECE	2001/0298, Referral (decision) 26.6.2002, Termination 16.10.2002
SPAIN	2001/0305, Referral: 03.10.2000, Case C-2002/326
FRANCE	2001/0240, Termination: 20.3.2002
IRELAND	2001/0285, Case C-2002/330
ITALY	2001/0270, Case C-2002/348
AUSTRIA	2001/2111, RO: 27.6.2002, Termination: 17.12.2002
FINLAND	2001/0328, Termination: 26.6.2002
UNITED KINGDOM	2001/0277, Case C-2002/332

31999L0030 Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air

Deadline for transposal: 19.7.2001

Member States which have notified: all

DENMARK	2001/0532, Termination: 20.3.2002
GERMANY	2001/0489, RO: 21.3.2002, Termination: 17.12.2002
GREECE	2001/0536, RO: 21.3.2002, Termination: 16.10.2002
SPAIN	2001/0544, RO: 21.3.2002, Referral Case C-2002/234, Action withdrawn 17.12.2002
FRANCE	2001/0449, Termination: 20.3.2002
IRELAND	2001/0522, RO: 21.3.2002, Termination: 17.12.2002
ITALY	2001/0500, RO: 21.3.2002, Termination: 26.6.2002
NETHERLANDS	2001/0480, Termination: 20.3.2002
PORTUGAL	2001/0553, RO: 21.3.2002, Termination: 26.6.2002
UNITED KINGDOM	2001/0513, RO: 21.3.2002, Referral Case C-2002/231, Action withdrawn 16.10.2002

31999L0032 Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 1993/12/EEC

Deadline for transposal: 01.7.2000

Member States which have notified: all

GERMANY	2000/0814, Case C-2002/108, Action withdrawn 16/10/2002
ITALY	2000/0822, Case C-2001/350, Action withdrawn: 23.1.2002
UNITED KINGDOM	2000/2272, RO: 21.12.2001, Termination: 26.6.2002

31999L0094 Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars

Deadline for transposal: 18.1.2001

Member States which have notified: B, DK, EL, IRL, L, NL, A, P, FI, S

GERMANY	2001/0169, Case C-2002/074
GREECE	2001/0203, Termination: 26.6.2002
SPAIN	2001/0211, Case C-2002/028
FRANCE	2001/0143, Case C-2002/161
ITALY	2001/0176, Case C-2002/022
PORTUGAL	2001/0217, Termination: 24.4.2002
UNITED KINGDOM	2001/0184, Case C-2002/062

32000L0069 Directive 2000/69/EC of the European Parliament and of the Council of 16 November 2000 relating to limit values for benzene and carbon monoxide in ambient air
 Deadline for transposal: 13.12.2002

Member States which have notified: D, E, F, IR, I, L, A, P, FI

32000L0071 Commission Directive 2000/71/EC of 7 November 2000 to adapt the measuring methods as laid down in Annexes I, II, III and IV to Directive 98/70/EC of the European Parliament and of the Council to technical progress as foreseen in Article 10 of that Directive (Text with EEA relevance)
 Deadline for transposal: 01.1.2001

Member States which have notified: all except UK

ITALY	2001/0175, Case C-2002/021, Action withdrawn 26.6.2002
AUSTRIA	2001/0224, Case C-2002/076, Action withdrawn 24.4.2002
UNITED KINGDOM	2001/01824, Case C-2002/052

32000L0076 Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste
 Deadline for transposal: 28.12.2002

Member States which have notified: A

32001L0063 Commission Directive 2001/63/EC of 17 August 2001 adapting to technical progress Directive 97/68/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery
 Deadline for transposal: 01.7.2002

Member States which have notified: DK, D, E, F, IR, I, L, NL, A, P, S, UK

BELGIUM	2002/0467, LET: 30.9.2002
DENMARK	2002/0527, LET: 30.9.2002, Termination: 17.12.2002
GREECE	2002/0534, LET: 30.9.2002, RO: 19.12.2002
AUSTRIA	2002/0567, LET: 30.9.2002, Termination: 17.12.2002
PORTUGAL	2002/0557, LET: 30.9.2002, Termination: 17.12.2002
FINLAND	2002/0581, LET: 30.9.2002, RO: 19.12.2002
SWEDEN	2002/0576, LET: 30.9.2002, Termination: 17.12.2002

32001L0080 Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants
 Deadline for transposal: 27.11.2002

Member States which have notified: FI, S

32001L0081 Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants

Deadline for transposal: 27.11.2002

Member States which have notified: L

Waste

31998L0101 Commission Directive 1998/101/EC of 22 December 1998 adapting to technical progress Council Directive 1991/157/EEC on batteries and accumulators containing certain dangerous substances.

Deadline for transposal: 01.1.2000

Member States which have notified: all except I and UK

ITALY 2000/0240, Case C-2001/323, Judgment 30.5.2002, LET 228 18.10.2002
UNITED KINGDOM 2000/0252, Case C-2001/373

31999L0031 Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste

Deadline for transposal: 17.7.2001

Member States which have notified: DK, D, E, F, IR, NL, A, P, FI, S

BELGIUM 2001/0467, RO: 21.3.2002, Cse C-2002/370
GERMANY 2001/0490, RO: 21.3.2002, Termination: 16.10.2002
GREECE 2001/0537, RO 21.3.2002, Case C-2002/351
SPAIN 2001/0545, Termination: 20.3.2002
IRELAND 2001/0523, RO: 27.6.2002, Termination: 17.12.2002
ITALY 2001/0501, RO: 21.3.2002, Case C-2002/374
LUXEMBOURG 2001/0460, RO: 21.3.2002, Referral, suspended (decision): 16.10.2002
NETHERLANDS 2001/0481, Termination: 26.6.2002
PORTUGAL 2001/0554, RO: 21.3.2002, Termination: 26.6.2002
FINLAND 2001/0586, RO: 21.3.2002, Termination: 26.6.2002
UNITED KINGDOM 2001/0514, RO: 21.3.2002, Referral (decision): 26.6.2002

32000L0053 Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles

Deadline for transposal: 21.4.2002

Member States which have notified: DK, D, NL, A, S

BELGIUM 2002/0244, LET: 06.6.2002, RO: 18.10.2002
DENMARK 2002/0287, LET 06.6.2002, Termination 16.10.2002
GERMANY 2002/0254, LET: 06.6.2002, Termination: 16.10.2002
GREECE 2002/0293, LET: 06.6.2002, RO: 23.10.2002
SPAIN 2002/0302, LET: 06.6.2002, RO: 23.10.2002
FRANCE 2002/0228, LET: 06.6.2002, RO: 18.10.2002
IRELAND 2002/0279, LET: 06.6.2002, RO: 18.10.2002

ITALY	2002/0261, LET: 06.6.2002, RO: 24.10.2002
LUXEMBOURG	2002/0236, LET: 06.6.2002, RO: 23.10.2002
NETHERLANDS	2002/0250, LET 06.6.2002, Termination 16.10.2002
AUSTRIA	2002/0317, LET 06.6.2002, Termination 17.12.2002
PORTUGAL	2002/0309, LET: 06.6.2002, RO: 23.10.2002
FINLAND	2002/0332, LET: 06.6.2002, RO: 24.10.2002
SWEDEN	2002/0324, LET: 06.6.2002, Termination: 16.10.2002
UNITED KINGDOM	2002/0270, LET: 06.6.2002, RO: 23.10.2002

Nature

31992L0043 Council Directive 1992/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

Deadline for transposal: 10.6.1994

Member States which have notified: all

FRANCE	1994/0673	Termination: 30.1.2002
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31999L0022 Council Directive 1999/22/EC of 29.3.99 on wild animals in zoos

Deadline for transposal: 09.4.2002

Member States which have notified: B, F, NL, S

DENMARK	2002/0286, LET: 06.6.2002, RO: 23.10.2002
GERMANY	2002/0251, LET: 06.6.2002, RO: 23.10.2002
GREECE	2002/0289, LET: 06.6.2002, RO: 18.10.2002
SPAIN	2002/0299, LET: 06.6.2002, RO: 23.10.2002
FRANCE	2002/0225, LET: 06.6.2002, Termination: 16.10.2002
IRELAND	2002/0275, LET: 06.6.2002, RO: 23.10.2002
ITALY	2002/0260, LET: 06.6.2002, RO: 23.10.2002
LUXEMBOURG	2002/0233, LET: 06.6.2002, RO: 17.12.2002 (suspension decision)
NETHERLANDS	2002/0247, LET 06.6.2002, Termination 16.10.2002
AUSTRIA	2002/0316, LET: 06.6.2002, RO: 23.10.2002
PORTUGAL	2002/0306, LET: 06.6.2002, RO: 23.10.2002
FINLAND	2002/0329, LET: 06.6.2002, RO: 23.10.2002
SWEDEN	2002/0323, LET: 06.6.2002, Termination: 16.10.2002
UNITED KINGDOM	2002/0267, LET: 06.6.2002, RO: 23.10.2002

Noise

32000L0014 Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors

Deadline for transposal: 19.7.2001

Member States which have notified: all except EL, I et UK

BELGIUM	2001/0471, Termination: 26.6.2002
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DENMARK	2001/0533, Termination: 26.6.2002
GERMANY	2001/0493, RO: 21.3.2002, Termination: 17.12.2002
GREECE	2001/0540, RO: 21.3.2002, Case C-2002/352
SPAIN	2001/0547, Termination: 26.6.2002
FRANCE	2002/0134, LET 17.4.2002, Termination 26.6.2002
IRELAND	2001/0528, Termination: 20.3.2002
ITALY	2001/0505, RO: 21.3.2002, Case C-2002/349
LUXEMBOURG	2001/0463, Termination: 20.3.2002
NETHERLANDS	2001/0485, Termination: 20.3.2002
PORTUGAL	2001/0558, RO: 21.3.2002, Termination: 26.6.2002
FINLAND	2001/0589, Termination: 20.3.2002
SWEDEN	2001/0579, Termination: 20.3.2002
UNITED KINGDOM	2002/2034, RO: 12.7.2002, Referral (decision): 17.12.2002

Chemicals and biotechnology

31993L0090 Commission Directive 1993/90/EEC of 29 October 1993 concerning the list of substances referred to in Article 13 (1) (5th indent) of Council Directive 1967/548/EEC

Deadline for transposal: 31.10.1993

Member States which have notified: all except UK

UNITED KINGDOM 1993/1095, Referral: 24.1.2001, Case C-2001/030

31996L0054 Commission Directive 1996/54/EC of 30 July 1996 adapting to technical progress for the twenty-second time Council Directive 1967/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (Text with EEA relevance)

Deadline for transposal: 31.10.1997 and 31.5.1998

Member States which have notified: all except UK

UNITED KINGDOM 1998/0486, Referral: 24.1.2001, Case C-2001/030

31997L0035 Commission Directive 1997/35/EC of 18 June 1997 adapting to technical progress for the second time Council Directive 1990/220/EEC on the deliberate release into the environment of genetically modified organisms

Deadline for transposal: 30.7.1997

Member States which have notified: all except UK

UNITED KINGDOM 1997/0538, Referral: 24.1.2001, Case C-2001/030

31997L0069 Commission Directive 1997/69/EC of 5 December 1997 adapting to technical progress for the twenty-third time Council Directive 1967/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances

Deadline for transposal: 16.12.1998

Member States which have notified: all except UK

UNITED KINGDOM 1999/0089, Referral: 24.1.2001, Case C-2001/030

31998L0008 Directive 1998/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market

Deadline for transposal: 13.5.2000

Member States which have notified: all except F, L and UK

GERMANY	2000/0568, Case C-2001/347, Action withdrawn: 16.10.2002
SPAIN	2000/0696, Case C-2001/352, Judgment 07.11.2002, Termination 17.12.2002
FRANCE	2000/0491, Case C-2002/114
IRELAND	2000/0628, Case C-2001/376, Judgment 30.5.2002, Termination 26.6.2002
LUXEMBOURG	2000/0512, Case C-2001/372, Judgment 16.5.2002, LET 228 19.12.2002
PORTUGAL	2000/0725, Case C-2001/391, Action withdrawn: 26.6.2002
UNITED KINGDOM	2000/0607, RO: 02.2.2001, Referral: 27.9.2001, Case C-2001/374

31998L0081 Council Directive 1998/81/EC of 26 October 1998 amending Directive 90/219/EEC on the contained use of genetically modified micro-organisms

Deadline for transposal: 05.6.2000

Member States which have notified: DK, D, EL, IR, I, NL, P, FI, S, UK

BELGIUM	2000/0533, Case C-2001/436
GERMANY	2000/0565, Case C-2001/346, Action withdrawn: 16.10.2002
GREECE	2000/0675, Case C-2001/371, Action withdrawn: 18.9.2002
SPAIN	2000/0694, Case C-2001/333
FRANCE	2000/0489, SLET 25.7.2001
LUXEMBOURG	2000/0509, Referral Case C-2002/325
AUSTRIA	2000/0744, Case C-2001/345

31998L0098 Commission Directive 1998/98/EC of 15 December 1998 adapting to technical progress for the twenty-fifth time Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances

Deadline for transposal: 01.7.2000

Member States which have notified: all except UK

UNITED KINGDOM	2000/2273, Case C-2002/310
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32000L0021 Commission Directive 2000/21/EEC of 25 April 2000 concerning the list of Community legislation referred to in the fifth indent of Article 13(1) of Council Directive 67/548/EEC

Deadline for transposal: 01.4.2001

Member States which have notified: all except F, L and UK

GREECE	2001/0300, Termination: 26.6.2002
SPAIN	2001/0306, Termination: 20.3.2002
FRANCE	2001/0241, Case C-2002/307
LUXEMBOURG	2001/0247, Case C-2002/308
UNITED KINGDOM	2001/0278, Case C-2002/305

32000L0032 Commission Directive 2000/32/EC of 19 May 2000 adapting to technical progress for the 26th time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances

Deadline for transposal: 01.6.2001

Member States which have notified: all except UK

GREECE	2001/0404, Termination: 26.6.2002
AUSTRIA	2001/0427, Termination: 26.6.2002
FINLAND	2001/2209, Termination: 20.3.2002
UNITED KINGDOM	2001/2159, RO: 27.6.2002, Referral (decision): 17.12.2002

32000L0033 Commission Directive 2000/33/EC of 25 April 2000 adapting to technical progress for the 27th time Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (Text with EEA relevance.)

Deadline for transposal: 01.10.2001

Member States which have notified: all

DENMARK	2001/0611, Termination: 26.6.2002
GREECE	2001/0613, Termination: 26.6.2002
IRELAND	2001/0609, RO: 27.6.2002, Termination: 17.12.2002
FINLAND	2001/0628, Termination: 26.6.2002
SWEDEN	2001/0624, Termination: 26.6.2002

32001L0059 Commission Directive 2001/59/EC of 06.8.2001 adapting to technical progress for the 28th time Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (Text with EEA relevance.)

Deadline for transposal: 31.7.2002

Member States which have notified: B, DK, D, EL, E, I, L, NL, A, P, S

DENMARK	2002/0525, LET: 30.9.2002, Termination: 17.12.2002
SPAIN	2002/0543, LET: 30.9.2002, Termination: 17.12.2002
FRANCE	2002/0451, LET: 30.9.2002
IRELAND	2002/0518, LET: 30.9.2002, RO: 19.12.2002
ITALY	2002/0497, LET 30.9.2002, Termination 17.12.2002
FINLAND	2002/0329, LET: 30.9.2002
UNITED KINGDOM	2002/0267, LET: 30.9.2002

Radiation protection

31996L0029 Council Directive 1996/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation

Deadline for transposal: 13.5.2000

Member States which have notified: all except D, F and UK

DENMARK	2000/2131, Referral 26.6.2002 (suspension decision)
GERMANY	2000/2130, Case C-2002/107, Action withdrawn: 17.12.2002
FRANCE	2000/2133, Case C-2001/483
NETHERLANDS	2000/2136, Termination: 26.6.2002

PORTUGAL 2000/2137, Case C-2001/389, Action withdrawn: 15.10.2002
UNITED KINGDOM 2000/2139, Case C-2002/218

31997L0043 Council Directive 1997/43/Euratom of 30 June 1997 on health protection of individuals against the dangers of ionizing radiation in relation to medical exposure

Deadline for transposal: 13.5.2000

Member States which have notified: all except F, UK

GERMANY 2000/2143, Case C-2002/106, Action withdrawn: 16.10.2002
FRANCE 2000/2147, Case C-2001/484
IRELAND 2000/2148, Case C-2001/375, Action withdrawn: 26.11.2002
NETHERLANDS 2000/2151, Referral (decision), Action withdrawn 26.6.2002
PORTUGAL 2000/2152, Case C-2001/390, Action withdrawn: 10.10.2002
UNITED KINGDOM 2000/2154, Case C-2002/210

EUROSTAT

32001L0109 Parliament and Council Directive 2001/109/EC of 19 December 2001 concerning the statistical surveys to be carried out by the Member States in order to determine the production potential of plantations of certain species of fruit trees

Deadline for transposal: 16.4.2002

Member States which have notified: all except B and L

BELGIUM 2002/0245, LET: 06.6.2002
SPAIN 2002/0305, LET 06.6.2002, Termination 17.12.2002
FRANCE 2002/0230, LET 06/06/2002, Termination 17.12.2002
IRELAND 2002/0282, LET: 06.6.2002, Termination: 17.12.2002
LUXEMBOURG 2002/0283, LET: 06.6.2002
SWEDEN 2002/0325, LET: 06.6.2002, Termination: 17.12.2002

INFORMATION SOCIETY

31995L0047 Directive 95/47/EC of the European Parliament and of the Council of 24 October 1995 on the use of standards for the transmission of television signals

Deadline for transposal: 23.8.1996

Member States which have notified: all

FRANCE 1996/0966, Termination: 20.3.2002
NETHERLANDS 1996/1034, Termination: 16.10.2002

31997L0066 Directive 97/66/EC of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector
Deadline for transposal: 24/10/1998 and 24/10/2000 (Article 5)

Member States which have notified: all except IRL and L

FRANCE	1998/2336, Termination: 17.12.2002
IRELAND	1998/2337, Case C-2001/459
ITALY (Article 5)	2000/0917, Case C-2002/267, Action withdrawn: 17.12.2002
LUXEMBOURG	1998/2338, Case C-2002/211
LUXEMBOURG (Article 5)	2000/0907, Case C-2002/211

31998L0010 Directive 98/10/EC of the European Parliament and of the Council of 26 February 1998 on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment

Deadline for transposal: 30.6.1998

Member States which have notified: all except F

FRANCE	1998/0338, Judgment: 13.6.2002, Case C-2001/286
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31999L0093 Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures

Deadline for transposal: 19.7.2001

Member States which have notified: all except NL, P, FI

IRELAND	2001/0527, Termination: 20.3.2002
ITALY	2001/0504, Termination: 26.6.2002
NETHERLANDS	2001/0484, RO: 27.6.2002, Referral (decision): 17.12.2002
PORTUGAL	2001/0557, RO: 27.6.2002, Referral (decision): 17.12.2002
FINLAND	2001/0588, RO: 01.7.2002, Referral (decision): 17.12.2002
UNITED KINGDOM	2001/0516, Termination: 26.6.2002

JUSTICE AND HOME AFFAIRS

32001L0040 Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals

Deadline for transposal: 02.12.2002

Member States which have notified: NL
(No national measures needed for DK and IRL)

INTERNAL MARKET

FREE MOVEMENT OF GOODS

Cultural goods

32001L0038 Directive 2001/38/EC of the European Parliament and of the Council of 5 June 2001 amending Council Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State (Text with EEA relevance)

Deadline for transposal: 31.12.2001

Member States which have notified: D, E, I, IRL, NL, A, P, FI, S, UK

BELGIUM	2002/0466, LET: 30.9.2002, RO: 19.12.2002
DENMARK	2002/0524, LET 30.9.2002
GREECE	2002/0531, LET: 30.9.2002
FRANCE	2002/0448, LET: 30.9.2002, RO: 19.12.2002
IRELAND	2002/0515, LET: 30/09/2002 (national measures notified)
LUXEMBOURG	2002/0460, LET: 30.9.2002, RO: 19.12.2002
NETHERLANDS	2002/0473, LET: 30.9.2002 (national measures notified)

FREE MOVEMENT OF SERVICES

Banks

31998L0031 Directive 98/31/EC of the European Parliament and of the Council of 22 June 1998 amending Council Directive 93/6/EEC on the capital adequacy of investment firms and credit institutions

Deadline for transposal: 21.7.2000

Member States which have notified: all

SPAIN 2000/0860, Termination: 30.1.2002

31998L0033 Directive 98/33/EC of the European Parliament and of the Council of 22 June 1998 amending Article 12 of Council Directive 77/780/EEC on the taking up and pursuit of the business of credit institutions, Articles 2, 5, 6, 7, 8 of and Annexes II and III to Council Directive 89/647/EEC on a solvency ratio for credit institutions and Article 2 of and Annex II to Council Directive 93/6/EEC on the capital adequacy of investment firms and credit institutions

Deadline for transposal: 21.7.2000

Member States which have notified: all

SPAIN 2000/0859, Termination: 30.1.2002

32000L0028 Directive 2000/28/EC of the European Parliament and of the Council of 18 September 2000 amending Directive 2000/12/EC relating to the taking up and pursuit of the business of credit institutions

Deadline for transposal: 27.4.2002

Member States which have notified: DK, D, E, IRL, I, L, NL, A, P, S, UK

BELGIUM	2002/0242, LET: 06/06/2001, RO: 19.12.2002
GERMANY	2002/0252, LET: 06.6.2002, Termination: 17.12.2002
GREECE	2002/0291, LET: 06.6.2002, RO: 19.12.2002
SPAIN	2002/0300, LET: 06.6.2002 (national measures notified)
FRANCE	2002/0226, LET: 06.6.2002, RO: 19.12.2002
IRELAND	2002/0277, LET 06.6.2002, Termination 17.12.2002
NETHERLANDS	2002/0248, LET 06.6.2002, Termination 17.12.2002
FINLAND	2002/0330, LET: 06.6.2002, RO: 19.12.2002
UNITED KINGDOM	2002/0268, LET 06.6.2002, Termination 17.12.2002

32000L0046 Directive 2000/46/EC of the European Parliament and of the Council of 18 September 2000 on the taking up, pursuit of and prudential supervision of the business of electronic money institutions

Deadline for transposal: 27.4.2002

Member States which have notified: DK, D, E, IRL, I, L, NL, A, P, S, UK

BELGIUM	2002/0243, LET: 06.6.2001, RO: 19.12.2002
GERMANY	2002/0253, LET 06.6.2002, Termination 17.12.2002
GREECE	2002/0292, LET: 06.6.2002, RO: 19.12.2002
SPAIN	2002/0301, LET: 06.6.2002 (national measures notified)
FRANCE	2002/0227, LET: 06.6.2002, RO: 19.12.2002
IRELAND	2002/0278, LET 06.6.2002, Termination 17.12.2002
NETHERLANDS	2002/0249, LET 06.6.2002, Termination 17.12.2002
FINLAND	2002/0331, LET: 06.6.2002, RO: 19.12.2002
UNITED KINGDOM	2002/0269, LET 06.6.2002, Termination 17.12.2002

Insurance

31998L0078 Directive 98/78/EC of the European Parliament and of the Council of 27 October 1998 on the supplementary supervision of insurance undertakings in an insurance group

Deadline for transposal: 05.6.2000

Member States which have notified: all

GREECE	2000/0676, Case C-2001/312, Judgment 12.9.2002, Termination 17.12.2002
PORTUGAL	2000/0723, Termination: 20.3.2002

32000L0026 Directive 2000/26/EC of the European Parliament and of the Council of 16 May 2000 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles and amending Council Directives 73/239/EEC and 88/357/EEC (Fourth motor insurance Directive)

Deadline for transposal: 20.7.2002

Member States which have notified: D, E, A, FI, S

BELGIUM	2002/0465, LET: 30.9.2002
DENMARK	2002/0522, LET 30.9.2002

GREECE	2002/0529, LET: 30.9.2002, RO: 19.12.2002
SPAIN	2002/0539, LET: 30.9.2002, Termination: 17.12.2002
FRANCE	2002/0445, LET: 30.9.2002, RO: 19.12.2002
IRELAND	2002/0512, LET: 30.9.2002, RO: 19.12.2002
ITALY	2002/0492, LET: 30.9.2002, RO: 19.12.2002
LUXEMBOURG	2002/0457, LET: 30.9.2002, RO: 19.12.2002
NETHERLANDS	2002/0470, LET: 30.9.2002, RO: 17.12.2002 (decision)
PORTUGAL	2002/0459, LET: 30.9.2002, RO: 19.12.2002
UNITED KINGDOM	2002/0503, LET: 30.9.2002, RO: 19.12.2002

Investments

31997L0009 Directive 1997/9/EC of the European Parliament and of the Council of 3 March 1997 on investor-compensation schemes

Deadline for transposal: 26.9.1998

Member States which have notified: all except UK (Gibraltar)

UNITED KINGDOM 2000/2035, Case C-2001/489 (Gibraltar)

32000L0064 Directive 2000/64/EC of the European Parliament and of the Council of 7 November 2000 amending Council Directives 85/611/EEC, 92/49/EEC, 92/96/EEC and 93/22/EEC as regards exchange of information with third countries

Deadline for transposal: 17.11.2002

Member States which have notified: E, F, P

Postal services

32002L0039 Parliament and Council Directive 2002/39/EC amending Directive 97/67/EC with regard to the further opening to competition of Community postal services

Deadline for transposal: 31.12.2002

Member States which have notified: B, D, S

Media in the Information Society

31998L0084 Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access

Deadline for transposal: 28.5.2000

Member States which have notified: all except B, EL and E

BELGIUM	2000/0532, Referral 20.12.2001 (decision)
GERMANY	2000/0564, Termination: 26.6.2002
GREECE	2000/0674, Case C-2002/219
SPAIN	2000/0693, Case C-2002/058

LUXEMBOURG	2000/0508, Referral (decision) 20.12.2001, Termination 17.12.2002
PORTUGAL	2000/0721, Termination: 20.3.2002
FINLAND	2000/0787, Termination: 26.6.2002

E-commerce

32000L0031 Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce)

Deadline for transposal: 17.1.2002

Member States which have notified: DK, D, E, L, A, FI, S, UK

BELGIUM	2002/0150, LET: 17.4.2002, RO: 19.12.2002
DENMARK	2002/0186, LET 17.4.2002, Termination 16.10.2002
GERMANY	2002/0158, LET 17.4.2002, Termination 16.10.2002
GREECE	2002/0191, LET: 17.4.2002, RO: 19.12.2002
SPAIN	2002/0198, LET 17.4.2002, Termination 16.10.2002
FRANCE	2002/0135, LET: 17.4.2002, RO: 19.12.2002
IRELAND	2002/0181, LET: 17.4.2002, RO: 19.12.2002
ITALY	2002/0166, LET: 17.4.2002, RO: 19.12.2002
NETHERLANDS	2002/0155, LET: 17.4.2002, RO: 19.12.2002
AUSTRIA	2002/0208, LET 17.4.2002, Termination 17.12.2002
PORTUGAL	2002/0201, LET: 17.4.2002, RO: 19.12.2002
FINLAND	2002/0222, LET 17.4.2002, Termination 16.10.2002
SWEDEN	2002/0217, LET 17.4.2002, Termination 16.10.2002
UNITED KINGDOM	2002/0174, LET 17.4.2002, Termination 17.12.2002

THE BUSINESS ENVIRONMENT

Public procurement

31998L0004 Directive 98/4/EC of the European Parliament and of the Council of 16 February 1998 amending Directive 93/38/EEC coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors

Deadline for transposal: 16.2.1999 and 16.2.2000

Member States which have notified: all

GREECE	2001/0297, Termination: 26.6.2002
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32001L0078 Commission Directive 2001/78/EC of 13 September 2001 amending Annex IV to Council Directive 93/36/EEC, Annexes IV, V and VI to Council Directive 93/37/EEC, Annexes III and IV to Council Directive 92/50/EEC, as amended by Directive 97/52/EC, and Annexes XII to XV, XVII and XVIII to Council Directive 93/38/EEC, as amended by Directive 98/4/EC (Directive on the use of standard forms in the publication of public contract notices) (Text with EEA relevance)

Deadline for transposal: 01.5.2002

Member States which have notified: B, DK, E, IR, NL, FI, S, UK

Data protection

31995L0046 Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

Deadline for transposal: 24.10.1998

Member States which have notified: all except IR

IRELAND 1998/0571, Referral: 29.11.2001, Case C-2001/459

LUXEMBOURG 1998/0535, Termination: 16.10.2002

Industrial property

31998L0044 Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions

Deadline for transposal: 30.7.2000

Member States which have notified: DK, EL, E, IR, FI, UK

BELGIUM	2000/0802, RO 19.12.2002
GERMANY	2000/0815, RO 19.12.2002
SPAIN	2000/0858, Termination: 26.6.2002
FRANCE	2000/0789, RO 19.12.2002
ITALY	2000/0823, RO 19.12.2002
LUXEMBOURG	2000/0797, RO 19.12.2002
NETHERLANDS	2000/0807, RO 19.12.2002
AUSTRIA	2000/0880, RO 19.12.2002
PORTUGAL	2000/0870, RO 19.12.2002
SWEDEN	2000/0891, RO 19.12.2002

31998L0071 Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs

Deadline for transposal: 28.10.2001

Member States which have notified: DK, EL, F, IRL, I, FI, S, UK

BELGIUM	2001/0599, RO: 01.7.2002, Referral (decision): 17.12.2002
GERMANY	2001/0603, RO: 27.6.2002, Referral (decision): 17.12.2002
GREECE	2001/0612, RO: 01.7.2002, Termination: 17.12.2002
SPAIN	2001/0616, RO: 27.6.2002, Referral (decision): 17.12.2002
IRELAND	2001/0608, Termination: 17.12.2002
LUXEMBOURG	2001/0596, RO: 27.6.2002, Referral (decision): 17.12.2002
NETHERLANDS	2001/0602, RO: 01.7.2002, Referral (decision): 17.12.2002
AUSTRIA	2001/0620, RO: 27.6.2002, Referral (decision): 17.12.2002
PORTUGAL	2001/0617, RO: 27.6.2002, Referral (decision): 17.12.2002
FINLAND	2001/0627, RO: 01.7.2002, Termination: 17.12.2002
SWEDEN	2001/0623, RO: 01.7.2002, Termination: 17.12.2002
UNITED KINGDOM	2001/0607, Termination: 26.6.2002

Copyright and related rights

32001L0029 Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society

Deadline for transposal: 22.12.2002

Member States which have notified: EL

REGULATED PROFESSIONS (QUALIFICATIONS)

31998L0005 Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained

Deadline for transposal: 14.3.2000

Member States which have notified: all except F, IRL, L

BELGIUM	2000/0537, Case C-2002/132, Action withdrawn: 30.4.2002
FRANCE	2000/0494, Case C-2001/351, Judgment 26.9.2002
IRELAND	2000/0631, Case C-2001/362, Judgment 10.12.2002
LUXEMBOURG	2000/0515, Case C-2002/142
NETHERLANDS	2000/0552, Case C-2002/149, Action withdrawn: 17.12.2002

31999L0042 Directive 1999/42/EC of the European Parliament and of the Council of 7 June 1999 establishing a mechanism for the recognition of qualifications in respect of the professional activities covered by the Directives on liberalisation and transitional measures and supplementing the general systems for the recognition of qualifications

Deadline for transposal: 31.7.2001

Member States which have notified: B, DK, D, F, L, NL, S

BELGIUM	2001/0469, Termination: 09.4.2002
GERMANY	2001/0492, RO: 15.4.2002, Referral (decision): 17.7.2002 Termination: 17.12.2002
GREECE	2001/0539, RO: 15.4.2002, Case C-2002/390
SPAIN	2001/0546, RO: 15.4.2002, Case C-2002/449
IRELAND	2001/0525, RO: 15.4.2002, Case C-2002/388
ITALY	2001/0503, RO: 15.4.2002, Case C-2002/440
LUXEMBOURG	2001/0462, RO: 15.4.2002, Termination: 17.7.2002
NETHERLANDS	2001/0482, RO: 15.4.2002, Referral (decision): 17.7.2002 Termination: 17.12.2002
AUSTRIA	2001/0564, RO: 15.4.2002, Referral (decision): 17.7.2002
PORTUGAL	2001/0556, RO: 15.4.2002, Case C-2002/393
FINLAND	2001/0587, RO: 15.4.2002, Referral (decision): 16.10.2002
SWEDEN	2001/0577, Termination: 17.7.2002
UNITED KINGDOM	2001/0515, RO: 15.4.2002, Case C-2002/405

32000L0005 Commission Directive 2000/5/EC of 25 February 2000 amending Annexes C and D to Council Directive 92/51/EEC on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC (Text with EEA relevance)

Deadline for transposal: 27.2.2001

Member States which have notified: all except B

BELGIUM	2001/0155, Referral 26.6.2002 (decision)
GREECE	2001/0199, Termination: 30.1.2002
IRELAND	2001/0186, Referral (decision) 26.6.2002, Termination 17.12.2002

32001L0019 Directive 2001/19/EC of the European Parliament and of the Council of **14 May 2001** amending Council Directives 89/48/EEC and 92/51/EEC on the general system for the **recognition of professional qualifications** and Council Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, **78/687/EEC**, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, **85/433/EEC** and 93/16/EEC concerning the professions of nurse responsible for general care, **dental practitioner**, veterinary surgeon, midwife, architect, pharmacist and doctor (Text with EEA relevance)

Deadline for transposal: **31.12.2002**

Member States which have notified: none

HEALTH AND CONSUMER PROTECTION

Veterinary matters

31993L0118 Council Directive 93/118/EEC of 22 December 1993 amending Directive **85/73/EEC** on the financing of health inspections and controls of fresh meat and poultrymeat

Deadline for transposal: **31.12.1993 and 31.12.1994**

Member States which have notified implementing measures: all except EL

GREECE 1995/0069, RO 228 24.2.2000

31996L0022 Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β -agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC

Deadline for transposal: **01.7.1997**

Member States which have notified implementing measures: all except F

FRANCE 1997/0342, Case C-2002/342

31996L0023 Council Directive 96/23/EC of 29 April 1996 on measures to monitor **certain substances** and residues thereof in live animals and animal products and repealing Directives **85/358/EEC** and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC

Deadline for transposal: **30.6.1997**

Member States which have notified implementing measures: all except F

FRANCE 1997/0343, Case C-2002/342

31996L0043 Council Directive 96/43/EC of 26 June 1996 amending and consolidating Directive 85/73/EEC in order to ensure financing of veterinary inspections and controls on live animals and certain animal products and amending Directives 90/675/EEC and 91/496/EEC

Deadline for transposal: 01.1.1997, 01.7.1997 and 01.7.1999

Member States which have notified implementing measures: B, DK, E, F, I, L, NL, A, P, FI, S, UK

(Deadline for transposal: 01.7.1997)

GERMANY 1997/0491, Judgment: 08/03/2001, Case C-1999/316

GREECE 1997/0495, RO 228 15.1.2001

(Deadline for transposal: 01.7.1999)

IRELAND 2000/0634, reasoned opinion 25.7.2001

GREECE 2000/0682, Referral 20.12.2001 (suspension decision)

31997L0078 Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries

Deadline for transposal: 30.6.1999

Member States which have notified implementing measures: all except UK

UNITED KINGDOM 1999/0501, Referral 18.7.2001 (decision)

31997L0079 Council Directive 97/79/EC of 18 December 1997 amending Directives 71/118/EEC, 72/462/EEC, 85/73/EEC, 91/67/EEC, 91/492/EEC, 91/493/EEC, 92/45/EEC and 92/118/EEC as regards the organisation of veterinary checks on products entering the Community from third countries

Deadline for transposal: 30.6.1999 and 01.7.1999

Member States which have notified implementing measures: all except UK

UNITED KINGDOM 1999/0502, Referral 20.12.2001 (decision)

31998L0058 Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes

Deadline for transposal: 31.12.1999

Member States which have notified: all

GERMANY 2000/0406, Termination: 26.6.2002

AUSTRIA 2000/0462, Case C-2002/061, Action withdrawn: 16.10.2002

31999L0074 Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens

Deadline for transposal: 01.1.2002

Member States which have notified: DK, D, E, F, IR, L, NL, S, UK

BELGIUM 2002/0149, LET: 17.4.2002, RO: 19.12.2002

DENMARK 2002/0185, LET 17.4.2002, Termination 17.12.2002

GERMANY 2002/0157, LET: 17.4.2002, Termination: 26.6.2002

GREECE 2002/0190, LET: 17.4.2002, RO: 19.12.2002

IRELAND	2002/0180, LET 17.4.2002, Termination 26.6.2002
ITALY	2002/0165, LET: 17.4.2002, RO: 19.12.2002
NETHERLANDS	2002/0154, LET 17.4.2002, Termination 26.6.2002
AUSTRIA	2002/0207, LET: 17.4.2002, RO: 19.12.2002
PORTUGAL	2002/0200, LET: 17.4.2002, RO: 19.12.2002
FINLAND	2002/0221, LET: 17.4.2002
SWEDEN	2002/0216, LET: 17.4.2002, Termination: 26.6.2002
UNITED KINGDOM	2002/0173, LET 17.4.2002, Termination 17.12.2002

31999L0089 Council Directive 1999/89/EC of 15 November 1999 amending Directive 91/494/EEC on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat

Deadline for transposal: 01.7.2000

Member States which have notified: all except EL

GREECE 2000/0663, Referral: 04/12/2001, Case C-2001/466

31999L0090 Council Directive 1999/90/EC of 15 November 1999 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs

Deadline for transposal: 01.7.2000

Member States which have notified: all

ITALY 2000/0575, Referral Case C-2001/458, Withdrawn 24.4.2002

32000L0015 Directive 2000/15/EC of the European Parliament and the Council of 10 April 2000 amending Council Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine

Deadline for transposal: 31.12.2000

Member States which have notified: all

GREECE	2001/0086, RO: 27.6.2002, Termination: 17.12.2002
IRELAND	2001/0069, RO: 27.6.2002, Termination: 17.12.2002

32000L0027 Council Directive 2000/27/EC of 2 May 2000 amending Directive 93/53/EEC introducing minimum Community measures for the control of certain fish diseases

Deadline for transposal: 31.12.2000

Member States which have notified: all

ITALY 2001/0045, Termination: 26.6.2002

32000L0075 Council Directive 2000/75/EC laying down specific provisions for the control and eradication of bluetongue

Deadline for transposal: 01.1.2002

Member States which have notified: B, DK, D, E, F, IR, L, NL, A, P, FI, S

DENMARK	2002/0187, LET 17.4.2002, Termination 26.6.2002
GERMANY	2002/0159, LET: 17.4.2002, Termination: 26.6.2002
GREECE	2002/0192, LET: 17.4.2002, RO: 19.12.2002

IRELAND	2002/0182, LET 17.4.2002, Termination 26.6.2002
ITALY	2002/0167, LET: 17.4.2002, RO: 19.12.2002
LUXEMBOURG	2002/0142, LET: 17.4.2002, Termination: 26.6.2002
PORTUGAL	2002/0202, LET: 17.4.2002, Termination: 17.12.2002
UNITED KINGDOM	2002/0175, LET: 17.4.2002, RO: 19.12.2002

32001L0010 Directive 2001/10/EC of the European Parliament and of the Council of 22 May 2001 amending Council Directive 91/68/EEC as regards scrapie

Deadline for transposal: 30.6.2001

Member States which have notified: all

GREECE	2001/0405, Termination: 17.12.2002
FRANCE	2001/0338, RO: 20.3.2002, Termination: 26.6.2002
ITALY	2001/0377, Termination: 26.6.2002
PORTUGAL	2001/0419, Termination: 26.6.2002
SWEDEN	2001/0435, Termination: 26.6.2002

32001L0089 Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever (Text with EEA relevance)

Deadline for transposal: 01.11.2002

Member States which have notified: B, DK, E, NL, FI

Plant health

32000L0024 Commission Directive 2000/24/EC of 28 April 2000 amending the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables respectively

Deadline for transposal: 31.12.2000

Member States which have notified: all

AUSTRIA	2001/0112, Case C-2002/131 (implementing measures notified)
UNITED KINGDOM	2001/0055, Termination: 26.6.2002

32000L0042 Commission Directive 2000/42/EC of 22 June 2000 amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables, respectively (Text with EEA relevance)

Deadline for transposal: 28.2.2001

Member States which have notified: all

GERMANY	2001/0166, Termination: 20.3.2002
LUXEMBOURG	2001/0148, Termination: 26.6.2002
AUSTRIA	2001/0222, Case C-2002/353 (implementing measures notified)
UNITED KINGDOM	2001/0180, Termination: 26.6.2002

32000L0048 Commission Directive 2000/48/EC of 25.7.00 amending the Annexes to Council Directives 86/362/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on cereals and certain products of plant origin, including fruit and vegetables respectively (Text with EEA relevance)

Deadline for transposal: 31.3.2001

Member States which have notified: all

GERMANY	2001/0265, Termination: 26.6.2002
FINLAND	2001/0329, Termination: 20.3.2002
UNITED KINGDOM	2001/0279, Termination: 26.6.2002

32000L0057 Commission Directive 2000/57/EC of 22 September 2000 amending the Annexes to Council Directives 76/895/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on fruit and vegetables and certain products of plant origin, including fruit and vegetables respectively (Text with EEA relevance)

Deadline for transposal: 31.3.2001

Member States which have notified: all

GERMANY	2001/0266, Termination: 26.6.2002
AUSTRIA	2001/0320, Case C-2002/354 (implementing measures notified)
FINLAND	2001/0330, Termination: 20.3.2002
UNITED KINGDOM	2001/0280, Termination: 26.6.2002

32000L0058 Commission Directive 2000/58/EC of 22 September 2000 amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables, respectively (Text with EEA relevance)

Deadline for transposal: 31.3.2001

Member States which have notified: all

GERMANY	2001/0267, Termination: 26.6.2002
AUSTRIA	2001/0321, Case C-2002/355 (implementing measures notified)
UNITED KINGDOM	2001/0281, Termination: 26.6.2002

32000L0081 Commission Directive 2000/81/EC of 18.12.00 amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables, respectively (Text with EEA relevance)

Deadline for transposal: 01.7.2001

Member States which have notified: all

GERMANY	2001/0496, Termination: 26.6.2002
FRANCE	2001/0452, RO: 27.6.2002, Termination: 17.12.2002
AUSTRIA	2001/0569, RO: 27.6.2002, Referral (decision): 17.12.2002 (implementing measures notified)
FINLAND	2001/0591, Termination: 26.6.2002
UNITED KINGDOM	2001/0518, Termination: 26.6.2002

32000L0082 Commission Directive 2000/82/EC of 20.12.00 amending the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on fruit and vegetables, cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables respectively (Text with EEA relevance)

Deadline for transposal: 01.7.2001

Member States which have notified: all

GERMANY 2001/0497, Termination: 26.6.2002
FRANCE 2001/0453, RO: 27.6.2002, Termination: 17.12.2002
AUSTRIA 2001/0570, RO: 27.6.2002, Referral (decision): 17.12.2002 (implementing measures notified)
FINLAND 2001/0592, Termination: 26.6.2002
UNITED KINGDOM 2001/0519, Termination: 26.6.2002

32001L0032 Commission Directive 2001/32/EC of 8 May 2001 recognising protected zones exposed to particular plant health risks in the Community and repealing Directive 92/76/EEC

Deadline for transposal: 21.5.2001

Member States which have notified: all except EL and F

GREECE 2001/0406, Case C-2002/364
FRANCE 2001/0339, RO: 21.3.2002, Referral Case C-2002/343
LUXEMBOURG 2001/0345, Termination: 26.6.2002
UNITED KINGDOM 2001/0384, Termination: 26.6.2002

32001L0033 Commission Directive 2001/33/EC of 8 May 2001 amending certain annexes to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community

Deadline for transposal: 21.5.2001

Member States which have notified: all except EL and F

GREECE 2001/0407, Referral Case C-2002/369
FRANCE 2001/0340, RO: 21.3.2002, Referral Case C-2002/343
LUXEMBOURG 2001/0346, Termination: 26.6.2002
SWEDEN 2001/0437, Termination: 26.6.2002
UNITED KINGDOM 2001/0385, Termination: 26.6.2002

32001L0035 Commission Directive 2001/35/EC of 11.5.2001 amending the Annexes to Council Directive 90/642/EEC on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables

Deadline for transposal: 01.7.2001

Member States which have notified: all except F

GERMANY 2001/0499, Termination: 26.6.2002
FRANCE 2001/0454, RO 27.6.2002
AUSTRIA 2001/0571, RO: 27.6.2002, Referral (decision): 17.12.2002 (implementing measures notified)
FINLAND 2001/0593, Termination: 26.6.2002
UNITED KINGDOM 2001/0520, Termination: 26.6.2002

32001L0036 Commission Directive 2001/36/EC of 16.5.2001 amending Council Directive 91/414/EEC concerning the placing of plant protection products on the market (Text with EEA relevance)

Deadline for transposal: 01.5.2002

Member States which have notified: B, D, EL, E, I, L, NL, A, P, FI, S, UK

DENMARK	2002/0399, LET: 16.7.2002, RO: 19.12.2002
GERMANY	2002/0367, LET 16.7.2002, Termination 17.12.2002
FRANCE	2002/0341, LET: 16.7.2002, RO: 19.12.2002
IRELAND	2002/0391, LET: 16.7.2002, RO: 19.12.2002
ITALY	2002/0377, LET 16.7.2002, Termination 17.12.2002
LUXEMBOURG	2002/0348, LET: 16.7.2002, Termination: 17.12.2002
AUSTRIA	2002/0427, LET 16.7.2002, Termination 17.12.2002
PORTUGAL	2002/0417, LET: 16.7.2002, Termination: 17.12.2002
FINLAND	2002/0440, LET 16.7.2002, Termination 17.12.2002
SWEDEN	2002/0436, LET 16.7.2002, Termination 17.12.2002

32001L0039 Commission Directive 2001/39/EC of 23 May 2001 amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables respectively

Deadline for transposal: 31.12.2001

Member States which have notified: all except D, F

BELGIUM	2002/0027, LET: 12.2.2002, Termination: 26.6.2002
GERMANY	2002/0044, LET: 12.2.2002, RO: 18.7.2002, Referral (decision): 17.12.2002
GREECE	2002/0088, LET 12.2.2002, Termination 26.6.2002
FRANCE	2002/0008, LET: 12.2.2002, RO: 27.6.2002
IRELAND	2002/0068, LET 12.2.2002, Termination 26.6.2002
NETHERLANDS	2002/0034, LET 12/02/2002, Termination 26/06/2002
AUSTRIA	2002/0022, LET: 12.2.2002, RO: 27.6.2002, Referral (decision): 17.12.2002 (implementing measures notified)
PORTUGAL	2002/0106, LET 12.2.2002, Termination 26.6.2002
FINLAND	2002/0131, LET 12.2.2002, Termination 26.6.2002
SWEDEN	2002/0121, LET 12.2.2002, Termination 26.6.2002
UNITED KINGDOM	2002/0060, LET 12.2.2002, Termination 26.6.2002

32001L0048 Commission Directive 2001/48/EC of 28.6.2001 amending the Annexes to Council Directives 86/362/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on cereals and certain products of plant origin, including fruit and vegetables respectively (Text with EEA relevance)

Deadline for transposal: 28.2.2002

Member States which have notified: B, DK, EL, E, IRL, I, L, NL, P, S, UK

GERMANY	2002/0160, LET: 17.4.2002, RO: 19.12.2002
FRANCE	2002/0136, LET: 17.4.2002
AUSTRIA	2002/0209, LET: 17.4.2002, RO: 19.12.2002

32001L0057 Commission Directive 2001/57/EC of 25.7.1 amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and

on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables, respectively (Text with EEA relevance)

Deadline for transposal: 28.2.2002

Member States which have notified: B, DK, EL, E, IRL, I, L, NL, P, S, UK

GERMANY	2002/0162, LET: 17.4.2002, RO: 19.12.2002
FRANCE	2002/0138, LET: 17.4.2002
ITALY	2002/0169, LET 17.4.2002, Termination 26.6.2002
AUSTRIA	2002/0211, LET: 17.4.2002, RO: 19.12.2002

32002L0005 Commission Directive 2002/5/EC of 30.1.02 amending Annex II to Council Directive 90/642/EEC as regards the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables

Deadline for transposal: 31.8.2002

Member States which have notified: B, DK, EL, E, I, NL, S, UK

GERMANY	2002/0489, LET: 30.9.2002
GREECE	2002/0536, LET: 30.9.2002, Termination: 17.12.2002
SPAIN	2002/0546, LET: 30.9.2002, Termination: 17.12.2002
FRANCE	2002/0454, LET 30.9.2002
IRELAND	2002/0520, LET: 30.9.2002
NETHERLANDS	2002/0479, LET 30.9.2002, Termination 17.12.2002
AUSTRIA	2002/0569, LET: 30.9.2002
PORTUGAL	2002/0560, LET: 30.9.2002
FINLAND	2002/0584, LET: 30.9.2002

32002L0023 Commission Directive 2002/23/EC of 26.2.02 amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables respectively

Deadline for transposal: 31.8.2002

Member States which have notified: B, DK, EL, E, I, NL, S, UK

GERMANY	2002/0490, LET: 30.9.2002
GREECE	2002/0537, LET: 30.9.2002, Termination: 17.12.2002
SPAIN	2002/0547, LET: 30.9.2002, Termination: 17.12.2002
FRANCE	2002/0455, LET: 30.9.2002
IRELAND	2002/0521, LET: 30.9.2002
NETHERLANDS	2002/0480, LET 30.9.2002, Termination 17.12.2002
AUSTRIA	2002/0570, LET: 30.9.2002
PORTUGAL	2002/0561, LET: 30.9.2002
FINLAND	2002/0585, LET: 30.9.2002

32002L0028 Commission Directive 2002/28/EC of 19.3.2002 amending certain annexes to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community

Deadline for transposal: 31.3.2002

Member States which have notified: all except EL and F

GERMANY	2002/0258, LET 06.6.2002, Termination 17.12.2002
GREECE	2002/0297, LET: 06.6.2002, RO: 19.12.2002
FRANCE	2002/0231, LET: 06.6.2002, RO: 19.12.2002
IRELAND	2002/0284, LET: 06.6.2002, Termination: 17.12.2002
ITALY	2002/0265, LET 06.6.2002, Termination 17.12.2002
LUXEMBOURG	2002/0240, LET 06.6.2002, Termination 17.12.2002
AUSTRIA	2002/0321, LET 06.6.2002, Termination 17.12.2002
PORTUGAL	2002/0314, LET 06.6.2002, Termination 17.12.2002
FINLAND	2002/0336, LET 06.6.2002, Termination 17.12.2002
SWEDEN	2002/0327, LET 06.6.2002, Termination 17.12.2002
UNITED KINGDOM	2002/0273, LET 06.6.2002, Termination 17.12.2002

32002L0029 Commission Directive 2002/29/EC of 19 March 2002 amending Directive 2001/32/EC as regards certain protected zones exposed to particular plant health risks in the Community
Deadline for transposal: 31.3.2002

Member States which have notified: all except EL and F

GERMANY	2002/0259, LET 06.6.2002, Termination 17.12.2002
GREECE	2002/0298, LET: 06.6.2002, RO: 19.12.2002
FRANCE	2002/0232, LET: 06.6.2002, RO: 19.12.2002
IRELAND	2002/0285, LET 06.6.2002, Termination 17.12.2002
ITALY	2002/0266, LET 06.6.2002, Termination 17.12.2002
LUXEMBOURG	2002/0241, LET 06.6.2002, Termination 17.12.2002
AUSTRIA	2002/0322, LET 06.6.2002, Termination 17.12.2002
PORTUGAL	2002/0315, LET 06.6.2002, Termination 17.12.2002
FINLAND	2002/0337, LET: 06.6.2002, Termination: 17.12.2002
SWEDEN	2002/0328, LET 06.6.2002, Termination 17.12.2002
UNITED KINGDOM	2002/0274, LET 06.6.2002, Termination 17.12.2002

32002L0042 Commission Directive 2002/42/EC of 17 May 2002 amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for pesticide residues (bentazone and pyridate) in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables (Text with EEA relevance)
Deadline for transposal: 31.12.2002

Member States which have notified: DK, E, I, L, S

32002L0066 Commission Directive 2002/66/EC of 16 July 2002 amending the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for pesticide residues in and on fruit and vegetables, cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables (Text with EEA relevance)
Deadline for transposal: 30.11.2002

Member States which have notified: DK, E, L, S

32002L0071 Commission Directive 2002/71/EC of 19 August 2002 amending the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for pesticide residues (formothion, dimethoate and oxydemeton-methyl) in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables (Text with EEA relevance)
Deadline for transposal: 31.12.2002

Member States which have notified: DK, E, L, S

32002L0076 Commission Directive 2002/76/EC of 6 September 2002 amending the Annexes to Council Directives 86/362/EEC and 90/642/EEC as regards the fixing of maximum levels for pesticide residues (metsulfuron methyl) in and on cereals and certain products of plant origin, including fruit and vegetables (Text with EEA relevance)

Deadline for transposal: 31.12.2002

Member States which have notified: DK, E, L, S

32002L0079 Commission Directive 2002/79/EC of 2 October 2002 amending the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for certain pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables (Text with EEA relevance)

Deadline for transposal: 31.12.2002

Member States which have notified: DK, L, S

Seeds and seedlings

31998L0056 Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants

Deadline for transposal: 31.12.2000

Member States which have notified implementing measures: all except D

GERMANY 1999/0618, Referral Case C-2001/135

31998L0095 Council Directive 98/95/EC of 14 December 1998 amending, in respect of the consolidation of the internal market, genetically modified plant varieties and plant genetic resources, Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species

Deadline for transposal: 01.2.2000

Member States which have notified: all

GERMANY 2000/0404, Termination: 26.6.2002

FRANCE 2000/0377, Termination: 24.4.2002

UNITED KINGDOM 2000/0420, Termination: 26.6.2002

31998L0096 Council Directive 98/96/EC of 14 December 1998 amending, inter alia, as regards unofficial field inspections under Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species

Deadline for transposal: 01.2.2000

Member States which have notified: all

GERMANY 2000/0403, Termination: 26.6.2002
UNITED KINGDOM 2000/0419, Termination: 26.6.2002

31999L0008 Commission Directive 1999/8/EC of 18 February 1999 amending Council Directive 66/402/EEC on the marketing of cereal seed

Deadline for transposal: 01.2.2000

Member States which have notified: all

GREECE 2000/0438, Case C-2001/450, Action withdrawn: 09.4.2002
IRELAND 2000/0426, Termination: 26.6.2002

31999L0054 Commission Directive 1999/54/EC of 26.5.1999 amending Council Directive 66/402/EEC on the marketing of cereal seed

Deadline for transposal: 01.7.2000

Member States which have notified: all

GERMANY 2000/0812, Termination: 26.6.2002
GREECE 2000/0846, Termination: 26.6.2002
IRELAND 2000/0834, Termination: 20.3.2002

31999L0066 Commission Directive 1999/66/EC of 28 June 1999 setting out requirements as to the label or other document made out by the supplier pursuant to Council Directive 98/56/EC

Deadline for transposal: 31.12.1999

Member States which have notified implementing measures: all except D

GERMANY 2000/0227, Case C-2002/163

31999L0068 Commission Directive 1999/68/EC of 28 June 1999 setting out additional provisions for lists of varieties of ornamental plants as kept by suppliers under Council Directive 98/56/EC

Deadline for transposal: 31.12.1999

Member States which have notified implementing measures: all except D

GERMANY 2000/0226, Case C-2002/162

32001L0064 Council Directive 2001/64/EC of 31 August 2001 amending Directive 66/401/EEC on the marketing of fodder plant seed and Directive 66/402/EEC on the marketing of cereal seed

Deadline for transposal: 28.2.2002

Member States which have notified: B, DK, E, F, IR, L, NL, A, P, FI, S

GERMANY 2002/0163, LET: 17.4.2002, RO: 19.12.2002
GREECE 2002/0195, LET: 17.4.2002, RO: 19.12.2002
FRANCE 2002/0139, LET 17.4.2002, Termination 17.12.2002
IRELAND 2002/0183, LET: 17.4.2002, Termination: 17.12.2002
ITALY 2002/0170, LET: 17.4.2002, RO: 19.12.2002

LUXEMBOURG	2002/0145, LET 17.4.2002, Termination 17.12.2002
AUSTRIA	2002/0212, LET 17.4.2002, Termination 17.12.2002
PORTUGAL	2002/0205, LET 17.4.2002, Termination 26.6.2002
SWEDEN	2002/0219, LET 17.4.2002, Termination 26.6.2002
UNITED KINGDOM	2002/0177, LET: 17.4.2002, RO: 19.12.2002

32002L0008 Commission Directive 2002/8/EC of 6 February 2002 amending Directives 72/168/EEC and 72/180/EEC concerning the characteristics and minimum conditions for examining vegetable and agricultural varieties respectively

Deadline for transposal: 31.3.2002

Member States which have notified: DK, D, E, F, IR, L, NL, A, P, FI, S, UK

BELGIUM	2002/0246, LET: 06.6.2002, RO: 19.12.2002
GERMANY	2002/0257, LET 06.6.2002, Termination 17.12.2002
GREECE	2002/0296, LET: 06.6.2002, RO: 19.12.2002
IRELAND	2002/0283, LET 06.6.2002, Termination 17.12.2002
ITALY	2002/0264, LET: 06.6.2002, RO: 19.12.2002
LUXEMBOURG	2002/0239, LET 06.6.2002, Termination 17.12.2002
AUSTRIA	2002/0320, LET 06.6.2002, Termination 17.12.2002
PORTUGAL	2002/0313, LET 06.6.2002, Termination 17.12.2002
FINLAND	2002/0335, LET 06.6.2002, Termination 17.12.2002
SWEDEN	2002/0326, LET 06.6.2002, Termination 17.12.2002

Public health

32001L0037 Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products

Deadline for transposal: 01.10.2002

Member States which have notified: B, D, S

DENMARK	2002/0616, LET: 21.11.2002
GERMANY	2002/0602, LET: 21.11.2002
GREECE	2002/0620, LET: 21.11.2002
FRANCE	2002/0587, LET: 21.11.2002
IRELAND	2002/0614, LET: 21.11.2002
ITALY	2002/0606, LET: 21.11.2002
LUXEMBOURG	2002/0592, LET: 21.11.2002
NETHERLANDS	2002/0599, LET: 21.11.2002
AUSTRIA	2002/0632, LET 21.11.2002
PORTUGAL	2002/0627, LET: 21.11.2002
FINLAND	2002/0632, LET: 21.11.2002
UNITED KINGDOM	2002/0610, LET: 21.11.2002

Feedingstuffs

31995L0069 Council Directive 95/69/EC of 22 December 1995 laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector and amending Directives 70/524/EEC, 74/63/EEC, 79/373/EEC and 82/471/EEC

Deadline for transposal: 01.4.1998

Member States which have notified implementing measures: all

GREECE 1998/0188, LET 27.6.2002, RO 228 19.12.2002 (implementing measures notified)

31996L0024 Council Directive 96/24/EC of 29 April 1996 amending Directive 79/373/EEC on the marketing of compound feedingstuffs

Deadline for transposal: 30.6.1998

Member States which have notified implementing measures: all

GREECE 1998/0323, RO 228: 31.1.2002, Termination: 26.6.2002

31996L0051 Council Directive 96/51/EC of 23 July 1996 amending Directive 70/524/EEC concerning additives in feedingstuffs

Deadline for transposal: 01.4.1998 and 01.10.1999

Member States which have notified implementing measures: all
(deadline for transposal: 01.4.1998)

GREECE 1998/0189, Case C-2001/183, Action withdrawn: 15.10.2001

FRANCE 1998/0203, Case C-2001/118, Action withdrawn: 10.10.2001

ITALY 1998/0218, Case C-1999/395, Termination 26.6.2002

Member States which have notified implementing measures: all
(deadline for transposal: 01/10/1999)

FRANCE 2000/0011, Case C-2001/118, Action withdrawn: 10.10.2001

GREECE 2000/0106, Case C-2001/183, Action withdrawn: 15.10.2001

ITALY 2000/0063, Case C-2001/128, Action withdrawn: 20.3.2002

31998L0051 Commission Directive 98/51/EC of 9 July 1998 laying down certain measures for implementing Council Directive 95/69/EC laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector (Text with EEA relevance)

Deadline for transposal: 01.1.1999

Member States which have notified implementing measures: all except EL

GREECE 1999/0153, LET: 27.6.2002, RO: 19.12.2002

ITALY 1999/0077, Termination: 26.6.2002

31999L0020 Council Directive 1999/20/EC of 22 March 1999 amending Directives 70/524/EEC concerning additives in feedingstuffs, 82/471/EEC concerning certain products used in animal nutrition, 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition and 95/69/EC laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector

Deadline for transposal: 30.9.1999

Member States which have notified implementing measures: all

GREECE 2000/0098, Case C-2001/173, Judgment 04.7.2002, LET 228 19.12.2002
(implementing measures notified)

31999L0078 Commission Directive 1999/78/EC of 27 July 1999 amending Commission Directive 95/10/EC (Text with EEA relevance)

Deadline for transposal: 30.11.1999

Member States which have notified implementing measures: all

GREECE 2000/0290, Case C-2001/451, Action withdrawn: 20.3.2002

32000L0016 Directive 2000/16/EC of the European Parliament and the Council of 10 April 2000 amending Council Directive 79/373/EEC on the marketing of compound feedingstuffs and Council Directive 96/25/EC on the circulation of feed materials

Deadline for transposal: 03.5.2001

Member States which have notified: all except P

GREECE 2001/0401, Termination: 26.6.2002
SPAIN 2001/0408, Termination: 20.3.2002
FRANCE 2001/0335, Case C-2002/344, Action withdrawn: 17.12.2002
ITALY 2001/0372, RO: 20.3.2002 (decision), Termination: 26.6.2002
LUXEMBOURG 2001/0342, Termination: 26.6.2002
PORTUGAL 2001/0414, Referral (decision)17.12.2002
UNITED KINGDOM 2001/0381, Termination: 26.6.2002

32000L0045 Commission Directive 2000/45/EC of 6 July 2000 establishing Community methods of analysis for the determination of vitamin A, vitamin E and tryptophan in feedingstuffs (Text with EEA relevance)

Deadline for transposal: 31.8.2000

Member States which have notified: all

AUSTRIA 2001/0223, RO: 21.12.2001, Termination: 26.6.2002

32001L0046 Directive 2001/46/EC of the European Parliament and of the Council of 23 July 2001 amending Council Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition and Directives 70/524/EEC, 96/25/EC and 1999/29/EC on animal nutrition

Deadline for transposal: 01.9.2002

Member States which have notified: DK, E, IR, L, NL, A, S

BELGIUM 2002/0595, LET: 21.11.2002
GERMANY 2002/0603, LET: 21.11.2002
GREECE 2002/0621, LET: 21.11.2002
FRANCE 2002/0588, LET: 21.11.2002
ITALY 2002/0607, LET: 21.11.2002
PORTUGAL 2002/0628, LET: 21.11.2002
FINLAND 2002/0639, LET: 21.11.2002
UNITED KINGDOM 2002/0611, LET: 21.11.2002

32001L0079 Commission Directive 2001/79/EC of 17 September 2001 amending Council Directive 87/153/EEC fixing guidelines for the assessment of additives in animal nutrition (Text with EEA relevance)

Deadline for transposal: 01.1.2002

Member States which have notified: all except I and P

GREECE	2002/0196, LET: 17.4.2002, Termination: 17.12.2002
FRANCE	2002/0140, LET: 17.4.2002, Termination: 17.12.2002
ITALY	2002/0171, LET: 17.4.2002, RO: 19.12.2002
LUXEMBOURG	2002/0146, LET 17.4.2002, Termination 17.12.2002
AUSTRIA	2002/0213, LET 17.4.2002, Termination 17.12.2002
PORTUGAL	2002/0206, LET: 17.4.2002, RO: 19.12.2002
FINLAND	2002/0224, LET 17.4.2002, Termination 17.12.2002
SWEDEN	2002/0220, LET 17.4.2002, Termination 17.12.2002

32001L0102 Council Directive 2001/102/EC of 27 November 2001 amending Directive 1999/29/EC on the undesirable substances and products in animal nutrition
Deadline for transposal: 01.7.2002

Member States which have notified: B, DK, D, E, F, IR, NL, A, FI, S, UK

GREECE	2002/0535, LET: 30.9.2002
ITALY	2002/0500, LET 30.9.2002
LUXEMBOURG	2002/0464, LET: 30.9.2002
PORTUGAL	2002/0558, LET: 30.9.2002
FINLAND	2002/0582, LET 30.9.2002, Termination 17.12.2002

32002L0001 Commission Directive 2002/1/EC of 7 January 2002 amending Directive 94/39/EC as regards animal feedingstuffs for the support of liver function in case of chronic liver insufficiency
Deadline for transposal: 20.11.2002

Member States which have notified: DK, D, E, IR, L, NL, S, UK

Food

31993L0099 Council Directive 93/99/EEC of 29 October 1993 on additional measures concerning the official control of foodstuffs
Deadline for transposal: 01.11.1998

Member States which have notified: all except L

LUXEMBOURG	2001/0458, RO 27.6.2002
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31999L0002 Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation
Deadline for transposal: 20.3.2001

Member States which have notified: all

BELGIUM	2001/0248, Termination: 26.6.2002
FRANCE	2001/0239, Termination: 20.3.2002
PORTUGAL	2001/0309, Termination: 20.3.2002

31999L0003 Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation

Deadline for transposal: 20.9.2000

Member States which have notified: all

31999L0021 Commission Directive 1999/21/EC of 25 March 1999 on dietary foods for special medical purposes

Deadline for transposal: 30.4.2000

Member States which have notified: all

GERMANY 2000/0562, Termination: 20.3.2002
ITALY 2000/0586, Case C-2001/370, Action withdrawn: 26.6.2002

31999L0039 Commission Directive 1999/39/EC of 06.5.1999 amending Directive 96/5/EC on processed cereal-based foods and baby foods for infants and young children (Text with EEA relevance)

Deadline for transposal: 30.6.2000 and 01.7.2002

Member States which have notified: all

UNITED KINGDOM 2000/0603, Termination: 26.6.2002

31999L0041 Directive 1999/41/EC of the European Parliament and of the Council of 7 June 1999 amending Directive 89/398/EEC on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses

Deadline for transposal: 08.7.2000 and 08.7.2001

Member States which have notified: all

FRANCE 2000/0788, Termination: 20.3.2002
UNITED KINGDOM 2000/0828, Termination: 26.6.2002

32000L0051 Commission Directive 2000/51/EC of 26.7.00 amending Directive 95/31/EC laying down specific criteria of purity concerning sweeteners for use in foodstuffs (Text with EEA relevance)

Deadline for transposal: 30.6.2001

Member States which have notified: all

BELGIUM 2001/0353, Termination: 26.6.2002
ITALY 2001/0376, Termination: 26.6.2002
NETHERLANDS 2001/0360, Termination: 26.6.2002
AUSTRIA 2001/0428, Termination: 26.6.2002
SWEDEN 2001/0434, Termination: 26.6.2002
UNITED KINGDOM 2001/0382, Termination: 26.6.2002

32001L0005 Directive 2001/5/EC of the European Parliament and of the Council of 12.2.1 amending Directive 95/2/EC on food additives other than colours and sweeteners

Deadline for transposal: 24.8.2002

Member States which have notified: B, DK, EL, E, F, I, L, NL, FI, S, UK

DENMARK 2002/0523, LET: 30.9.2002, Termination: 17.12.2002

GERMANY	2002/0483, LET: 30.9.2002
FRANCE	2002/0447, LET 30.9.2002, Termination 17.12.2002
IRELAND	2002/0514, LET: 30.9.2002
ITALY	2002/0494, LET: 30.9.2002, Termination: 17.12.2002
AUSTRIA	2002/0564, LET: 30.9.2002
PORTUGAL	2002/0552, LET: 30.9.2002
FINLAND	2002/0578, LET: 30.9.2002, Termination: 17.12.2002

32001L0015 Commission Directive 2001/15/EC of 15 February 2001 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses (Text with EEA relevance)
Deadline for transposal: 30.3.2002

Member States which have notified: B, DK, EL, E, F, IR, L, NL, P, FI, S

GERMANY	2002/0255, LET: 06.6.2002, RO: 19/12/2002
GREECE	2002/0294, LET 06.6.2002, Termination 17.12.2002
SPAIN	2002/0303, LET 06.6.2002, Termination 17.12.2002
IRELAND	2002/0281, LET 06.6.2002, Termination 17.12.2002
ITALY	2002/0263, LET: 06.6.2002, RO: 19.12.2002
AUSTRIA	2002/0318, LET: 06.6.2002, RO: 19.12.2002
PORTUGAL	2002/0311, LET 06.6.2002, Termination 17.12.2002
FINLAND	2002/0333, LET 06.6.2002, Termination 17.12.2002
UNITED KINGDOM	2002/0271, LET: 06.6.2002

32001L0022 Commission Directive 2001/22/EC of 8 March 2001 laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs (Text with EEA relevance)

Deadline for transposal: 05.4.2002

Member States which have notified: B, DK, D, EL, F, IR, L, NL, A, FI, S, UK

GERMANY	2002/0256, LET 06.6.2002, Termination 17.12.2002
GREECE	2002/0295, LET 06.6.2002, Termination 17.12.2002
SPAIN	2002/0304, LET: 06.6.2002, RO: 19.12.2002
FRANCE	2002/0229, LET 06.6.2002, Termination 17.12.2002
ITALY	2002/0263, LET: 06.6.2002, RO: 19.12.2002
LUXEMBOURG	2002/0237, LET 06.6.2002, Termination 17.12.2002
AUSTRIA	2002/0319, LET: 06.6.2002, Termination: 17.12.2002
PORTUGAL	2002/0312, LET: 06.6.2002, RO: 19.12.2002
FINLAND	2002/0334, LET 06.6.2002, Termination 17.12.2002
UNITED KINGDOM	2002/0272, LET 06.6.2002, Termination 17.12.2002

32001L0030 Commission Directive 2001/30/EC of 02.5.2001 amending Commission Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners (Text with EEA relevance)

Deadline for transposal: 01.6.2002

Member States which have notified: all except D and A

DENMARK	2002/0398, LET 16.7.2002, Termination 17.12.2002
GERMANY	2002/0366, LET: 16.7.2002, RO: 19.12.2002
ITALY	2002/0376, LET 16.7.2002, Termination 17.12.2002
AUSTRIA	2002/0426, LET: 16.7.2002, RO: 19.12.2002

PORTUGAL 2002/0416, LET 16.7.2002, Termination 17.12.2002
FINLAND 2002/0439, LET 16.7.2002, Termination 17.12.2002
UNITED KINGDOM 2002/0383, LET 16.7.2002, Termination 17.12.2002

32001L0050 Commission Directive 2001/50/EC of 3 July 2001 amending Commission Directive 95/45/EC laying down specific purity criteria concerning colours for use in foodstuffs (Text with EEA relevance)

Deadline for transposal: 30.6.2002

Member States which have notified: B, DK, EL, E, F, I, L, NL, P, FI, S, UK

GERMANY 2002/0369, LET: 16.7.2002, RO: 19.12.2002
IRELAND 2002/0393, LET: 16.7.2002, RO: 19.12.2002
AUSTRIA 2002/0429, LET: 16.7.2002, RO: 19.12.2002
PORTUGAL 2002/0419, LET 16.7.2002, Termination 17.12.2002
FINLAND 2002/0441, LET 16.7.2002, Termination 17.12.2002

32001L0052 Commission Directive 2001/52/EC of 3 July 2001 amending Directive 95/31/EC laying down specific criteria of purity concerning sweeteners for use in foodstuffs (Text with EEA relevance)

Deadline for transposal: 30.6.2002

Member States which have notified: all except D

GERMANY 2002/0370, LET: 16.7.2002, RO: 19.12.2002
IRELAND 2002/0394, LET: 16.7.2002, Termination: 17.12.2002
PORTUGAL 2002/0420, LET 16.7.2002, Termination 17.12.2002
FINLAND 2002/0442, LET 16.7.2002, Termination 17.12.2002

32001L0062 Commission Directive 2001/62/EC of 9 August 2001 amending Directive 90/128/EEC relating to plastic materials and articles intended to come into contact with foodstuffs (Text with EEA relevance)

Deadline for transposal: 01.12.2002

Member States which have notified: DK, EL, L, NL, S, UK

Consumer protection

31997L0007 Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts - Statement by the Council and the Parliament re Article 6 (1) - Statement by the Commission re Article 3 (1), first indent

Deadline for transposal: 04.6.2000

Member States which have notified: all except E and L

SPAIN 2000/0702, Case C-2001/414, Judgment 28.11.2002
LUXEMBOURG 2000/0517, Case C-2002/228

31997L0055 Directive 97/55/EC of European Parliament and of the Council of 6 October 1997 amending Directive 84/450/EEC concerning misleading advertising so as to include comparative advertising

Deadline for transposal: 23.4.2000

Member States which have notified: all

SPAIN 2000/0700, Case C-2001/392, Judgment 28.11.2002, Action withdrawn 17.12.2002
LUXEMBOURG 2000/0516, Case C-2002/227, Action withdrawn: 16.10.2002
NETHERLANDS 2000/0553, Referral (decision) 20.3.2002, Termination 26.6.2002

31998L0007 Directive 98/7/EC of the European Parliament and of the Council of 16 February 1998 amending Directive 87/102/EEC for the approximation of the laws, regulations and administrative provisions of the Member States concerning consumer credit

Deadline for transposal: 21.4.2000

Member States which have notified: all

SPAIN 2000/0697, Case C-2001/386, Judgment 12.9.2002, Termination 17.12.2002
FRANCE 2000/0492, Case C-200221, Action withdrawn: 17.7.2002

31998L0027 Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests

Deadline for transposal: 01.1.2001

Member States which have notified: all except EL and L

BELGIUM 2001/0161, Termination: 17.12.2002
GREECE 2001/0206, Case C-2002/311
SPAIN 2001/0213, Case C-2002/368, Action withdrawn: 17.12.2002
LUXEMBOURG 2001/0154, Referral 17.12.2002 (decision)

31999L0044 Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees

Deadline for transposal: 01.1.2002

Member States which have notified: DK, D, EL, A, FI, S

BELGIUM 2002/0148, LET: 17.4.2002, RO: 19.12.2002
DENMARK 2002/0184, LET 17.4.2002, Termination 26.6.2002
GREECE 2002/0189, LET: 17.4.2002, RO (decision): 17.12.2002 (implementing measures notified)
SPAIN 2002/0197, LET: 17.4.2002, RO: 19.12.2002
FRANCE 2002/0132, LET: 17.4.2002, RO: 19.12.2002
IRELAND 2002/0179, LET: 17.4.2002, RO: 19.12.2002
LUXEMBOURG 2002/0141, LET: 17.4.2002, RO: 19.12.2002
NETHERLANDS 2002/0153, LET: 17.4.2002, RO: 19.12.2002
PORTUGAL 2002/0199, LET: 17.4.2002, RO: 19.12.2002
SWEDEN 2002/0215, LET 17.4.2002, Termination 17.12.2002
UNITED KINGDOM 2002/0172, LET: 26.4.2002, RO: 19.12.2002

TAXATION AND CUSTOMS UNION

General

32001L0044 Council Directive 2001/44/EC of 15 June 2001 amending Directive 76/308/EEC on mutual assistance for the recovery of claims resulting from operations forming part of the system of financing the European Agricultural Guidance and Guarantee Fund, and of agricultural levies and customs duties and in respect of value added tax and certain excise duties

Deadline for transposal: 30.6.2002

Member States which have notified: DK, D, EL, E, IRL, A, FI, S, UK

BELGIUM	2002/0355, LET: 16.7.2002
DENMARK	2002/0400, LET: 16.7.2002, Termination: 17.12.2002
GERMANY	2002/0368, LET 16.7.2002, Termination 16.10.2002
GREECE	2002/0406, LET 16.7.2002, Termination 17.12.2002
SPAIN	2002/0409, LET 16.7.2002, Termination 17.12.2002
FRANCE	2002/0342, LET: 16.7.2002, RO: 19.12.2002
IRELAND	2002/0392, LET 16.7.2002, Termination 17.12.2002
ITALY	2002/0378, LET: 16.7.2002
LUXEMBOURG	2002/0349, LET: 16.7.2002
NETHERLANDS	2002/0359, LET: 16.7.2002
AUSTRIA	2002/0428, LET 16.7.2002, Termination 17.12.2002
PORTUGAL	2002/0418, LET: 16.7.2002
SWEDEN	2002/0437, LET 16.7.2002, Termination 17.12.2002
UNITED KINGDOM	2002/0384, LET 16.7.2002, Termination 17.12.2002

VAT

31999L0085 Council Directive 1999/85/EC of 22 October 1999 amending Directive 77/388/EEC as regards the possibility of applying on an experiment basis a reduced VAT rate on labour-intensive services directive

Deadline for transposal: 01.10.2002

National measures not required

32002L0093 Council Directive 2002/93/EC of 3 December 2002 amending Directive 77/388/EEC to extend the facility allowing Member States to apply reduced rates of VAT to certain labour-intensive services

Deadline for transposal: 07.12.2002

National measures not required

Excise duties

32002L0010 Council Directive 2002/10/EC of 12 February 2002 amending Directives 92/79/EEC, 92/80/EEC and 95/59/EC as regards the structure and rates of excise duty applied on manufactured tobacco

Deadline for transposal: 01.7.2002

Member States which have notified: D, IRL, L, A, P, S

ENERGY

Gas

31998L0030 Directive 98/30/EC of the European Parliament and of the Council of 22 June 1998 concerning common rules for the internal market in natural gas

Deadline for transposal: 01.8.2000

Member States which have notified: all except F

FRANCE 2000/2215, Case C-2001/259, Judgment: 28.11.2002

Renewable energy and energy efficiency

32002L0040 Commission Directive 2002/40/EC of 8 May 2002 implementing Council Directive 92/75/EEC with regard to energy labelling of household electric ovens (Text with EEA relevance)
Repeals Directive 31979L0531 with effect from 01.1.2003

Deadline for transposal: 31.12.2002

Member States which have notified: NL

TRANSPORT

Land, road and inland waterway transport

31976L0135 Council Directive 76/135/EEC of 20 January 1976 on reciprocal recognition of navigability licences for inland waterway vessels

Member States which have notified: all

FINLAND 2001/2025, Termination: 26.6.2002

31982L0714 Council Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels

Member States which have notified: all

FINLAND 2001/2024, Termination: 26.6.2002

31987L0540 Council Directive 87/540/EEC of 9 November 1987 on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation

Member States which have notified: all

FINLAND 2001/2023, Termination: 26.6.2002

31991L0672 Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway

Member States which have notified: all

FINLAND 2001/2022, Termination: 26.6.2002

31996L0050 Council Directive 96/50/EC of 23 July 1996 on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community

Deadline for transposal: 07.4.1998

Member States which have notified: all

FRANCE 1999/2003, LET 228: 27.6.2002, Termination: 17.12.2002

31998L0076 Council Directive 98/76/EC of 1 October 1998 amending Directive 96/26/EC on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations

Deadline for transposal: 01.10.1999

Member States which have notified: all except B

BELGIUM 2000/0038, Case C-2001/274, Judgment: 06.6.2002
FRANCE 2000/0010, Case C-2001/335, Action withdrawn: 17.7.2002
LUXEMBOURG 2000/0025, LET 228 27.6.2002, Termination 16.10.2002
SWEDEN 2000/0151, Case C-2001/490, Action withdrawn: 30.1.2002

31999L0036 Council Directive 1999/36/EC of 29 April 1999 on transportable pressure equipment

Deadline for transposal: 01.12.2000

Member States which have notified: all except D and IRL

BELGIUM 2001/0468, Termination: 24.4.2002
GERMANY 2001/0491, RO 05.7.2002
GREECE 2001/0538, Termination: 24.4.2002
IRELAND 2001/0524, RO: 27.6.2002, Referral (decision): 17.12.2002
ITALY 2001/0502, Termination: 24.4.2002
PORTUGAL 2001/0555, Termination: 24.4.2002

31999L0052 Commission Directive 1999/52/EC of 26.5.1999 adapting to technical progress Council Directive 96/96/EC on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (Text with EEA relevance)

Deadline for transposal: 01.10.2000

Member States which have notified: all

IRELAND 2001/0072, Case C-2002/051, Action withdrawn: 24.4.2002

31999L0062 Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures

Deadline for transposal: 01.7.2000

Member States which have notified: all

BELGIUM 2000/0910, Termination: 26.6.2002

32001L0002 Commission Directive 2001/2/EC of 4 January 2001 adapting to technical progress Council Directive 1999/36/EC on transportable pressure equipment

Deadline for transposal: 01.7.2001

Member States which have notified: all except D and IRL

BELGIUM 2001/0476, Termination: 24.4.2002
GERMANY 2001/0498, RO 27.6.2002
GREECE 2001/0543, Termination: 24.4.2002
IRELAND 2001/0530, RO: 27.6.2002, Referral (decision): 17.12.2002
ITALY 2001/0510, Termination: 24.4.2002
PORTUGAL 2001/0561, Termination: 24.4.2002

Rail transport

31996L0048 Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system

Deadline for transposal: 08.4.1999

Member States which have notified: all

IRELAND 1999/0383, Termination: 26.6.2002
AUSTRIA 1999/0418, Case C-2002/068, Action withdrawn: 26.6.2002
FINLAND 1999/0428, Case C-2001/254, Action withdrawn: 16.10.2002
UNITED KINGDOM 1999/0377, Case C-2000/441, Judgment: 30.5.2002, Termination 17.7.2002

Land transport, safety and technology

31994L0055 Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road

Deadline for transposal: 31.12.1996

Member States which have notified: all

IRELAND 1998/0042, Termination: 30.1.2002

31995L0050 Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road

Deadline for transposal: 01.1.1997

Member States which have notified: all

IRELAND 1997/0506, Termination: 30.1.2002

31996L0049 Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail

Deadline for transposal: 31.12.1996

Member States which have notified: all

IRELAND 1999/0384, Termination: 24.4.2002

31996L0086 Commission Directive 96/86/EC of 13.12.96 adapting to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (Text with EEA relevance)

Deadline for transposal: 31.12.1996

Member States which have notified: all

IRELAND 1998/0045, Termination: 30.1.2002

31996L0087 Commission Directive 96/87/EC of 13 December 1996 adapting to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail - Text with EEA relevance

Deadline for transposal: 31.12.1996

Member States which have notified: all

IRELAND 1999/0385, Termination: 24.4.2002

31999L0047 Commission Directive 1999/47/EC of 21 May 1999 adapting for the second time to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road

Deadline for transposal: 01.7.1999

Member States which have notified: all

IRELAND 2000/0265, Case C-2001/365, Action withdrawn: 30.1.2002

31999L0048 Commission Directive 1999/48/EC of 21 May 1999 adapting for the second time to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail - Text with EEA relevance

Deadline for transposal: 01.7.1999

Member States which have notified: all

IRELAND 2000/0264, Case C-2001/366, Action withdrawn: 24.4.2002

ITALY

2000/0239, Case C-2002/050, Action withdrawn: 24.4.2002

32000L0030 Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community

Deadline for transposal: 10.8.2002

Member States which have notified: B, DK, EL, E, F, I, L, NL, FI, S

GERMANY	2002/0482, LET: 30.9.2002
SPAIN	2002/0540, LET: 30.9.2002, Termination: 17.12.2002
FRANCE	2002/0446, LET 30.9.2002, Termination 17.12.2002
IRELAND	2002/0513, LET: 30.9.2002, RO: 19.12.2002
LUXEMBOURG	2002/0458, LET: 30.9.2002, RO: 21.12.2001
AUSTRIA	2002/0562, LET: 30.9.2002, RO: 19.12.2002
PORTUGAL	2002/0550, LET: 30.9.2002, RO: 19.12.2002
UNITED KINGDOM	2002/0504, LET: 30.9.2002, RO: 19.12.2002

32001L0006 Commission Directive 2001/6/EC of 29 January 2001 adapting for the third time to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (Text with EEA relevance)

Deadline for transposal: 31.12.2002

Deadline for transposal 31.12.2001 for class 7 and 31.12.2002 for other classes of dangerous goods. As the annexes had not been published in all the Community languages by the 31.12.2001 deadline, a derogation was allowed until 31.12.2002 for class 7, giving a single deadline for all classes. Publication is planned for mid-May 2003.

Member States which have notified: F, FI

32001L0007 Commission Directive 2001/7/EC of 29 January 2001 adapting for the third time to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (Text with EEA relevance)

Deadline for transposal: 31.12.2002

Deadline for transposal 31.12.2001 for class 7 and 31.12.2002 for other classes of dangerous goods. As the annexes had not been published in all the Community languages by the 31.12.2001 deadline, a derogation was allowed until 31.12.2002 for class 7, giving a single deadline for all classes. Publication is planned for mid-May 2003.

Member States which have notified: B, I, FI

32001L0009 Commission Directive 2001/9/EC of 12.2.1 adapting to technical progress Council Directive 96/96/EC on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (Text with EEA relevance)

Deadline for transposal: 09.3.2002

Member States which have notified: all except IR

DENMARK	2002/0288, LET 06.6.2002, Termination 17.12.2002
IRELAND	2002/0280, LET: 06.6.2002, RO: 19.12.2002

Air transport

31992L0014 Council Directive 92/14/EEC of 2 March 1992 on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988)

Deadline for transposal: 01.4.2002

Concerns only Austria: A has notified

31994L0056 Council Directive 94/56/EC of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents

Deadline for transposal: 21.11.1996

Member States which have notified: all

LUXEMBOURG 1997/0107, 2nd Referral Case C-2002/121, Action withdrawn 26.6.2002

31998L0020 Council Directive 98/20/EC of 30 March 1998 amending Directive 92/14/EEC on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988)

Deadline for transposal: 28.2.1999 (and 31.3.2002 for A)

Member States which have notified: all except IR

IRELAND 1999/0274, Case C-2001/327, Judgment: 15.10.2002

31999L0028 Commission Directive 1999/28/EC of 21 April 1999 amending the Annex to Council Directive 92/14/EEC on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988)

Deadline for transposal: 01.9.1999

Member States which have notified: all except IR

IRELAND 2000/0073, Case C-2001/328, Judgment: 15.10.2002

Maritime transport

31997L0070 Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over

Deadline for transposal: 01.1.1999

Member States which have notified: all

NETHERLANDS 1999/0004, Case C-2000/364, Action withdrawn: 24.4.2002

31998L0018 Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships

Deadline for transposal: 01.7.1998

Member States which have notified: all

PORTUGAL 1999/03.6, Case C-2001/282, Action withdrawn: 15.1.2002

31998L0035 Council Directive 98/35/EC of 25 May 1998 amending Directive 94/58/EC on the minimum level of training of seafarers

Deadline for transposal: 25.5.1999

Member States which have notified: all

LUXEMBOURG 1999/0452, Termination: 20.3.2002
NETHERLANDS 1999/0474, Termination: 24.4.2002

31999L0019 Commission Directive 1999/19/EC of 18 March 1999 amending Council Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over

Deadline for transposal: 31.5.2000

Member States which have notified: all

BELGIUM 2000/0530, Case C-2001/479, Action withdrawn: 30.1.2002
NETHERLANDS 2000/0548, Termination: 24.4.2002

31999L0035 Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services

Deadline for transposal: 01.12.2000

Member States which have notified: all

NETHERLANDS 2001/0034, Termination: 20.3.2002
AUSTRIA 2001/0119, Termination: 26.6.2002
PORTUGAL 2001/0108, Termination: 24.4.2002
FINLAND 2001/0135, Termination: 24.4.2002
SWEDEN 2001/0128, Termination: 20.3.2002

31999L0095 Directive 99/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports

Deadline for transposal: 30.6.2002

Member States which have notified: DK, D, E, NL, A, FI, S, UK

BELGIUM 2002/0353, LET: 16.7.2002, RO: 19.12.2002
DENMARK 2002/0397, LET 16.7.2002, Termination 17.12.2002
GERMANY 2002/0363, LET 16.7.2002, Termination 17.12.2002
GREECE 2002/0403, LET: 16.7.2002
FRANCE 2002/0339, LET: 16.7.2002, RO: 19.12.2002
IRELAND 2002/0388, LET: 16.7.2002
ITALY 2002/0373, LET: 16.7.2002, RO: 19.12.2002
LUXEMBOURG 2002/0346, LET: 16.7.2002, RO: 19.12.2002
NETHERLANDS 2002/0357, LET 16.7.2002, Termination 17.12.2002
AUSTRIA 2002/0424, LET: 16.7.2002, Termination: 17.12.2002
PORTUGAL 2002/0413, LET: 16.7.2002, RO: 19.12.2002
SWEDEN 2002/0433, LET: 16.7.2002, Termination: 16.10.2002
UNITED KINGDOM 2002/0361, LET 16.7.2002, Termination 17.12.2002

31999L0097 Commission Directive 1999/97/EC of 13 December 1999 amending Council Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control) (Text with EEA relevance)
Deadline for transposal: 14.12.2000

Member States which have notified: all

LUXEMBOURG 2001/0012, Termination: 26.6.2002
NETHERLANDS 2001/0029, Termination: 24.4.2002

32000L0059 Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues.
Deadline for transposal: 28.12.2002

Member States which have notified: D, EL

32001L0053 Commission Directive 2001/53/EC of 10.7.1 amending Council Directive 96/98/EC on marine equipment (Text with EEA relevance)
Deadline for transposal: 17.2.2002

Member States which have notified: B, DK, D, EL, E, F, IRL, A, S, UK

BELGIUM 2002/0152, LET: 17.4.2002, Termination: 17.12.2002
GERMANY 2002/0161, LET 17.4.2002, Termination 17.12.2002
GREECE 2002/0194, LET 17.4.2002, Termination 16.10.2002
FRANCE 2002/0137, LET 17.4.2002, Termination 16.10.2002
ITALY 2002/0168, LET: 17.4.2002, RO: 24.10.2002
LUXEMBOURG 2002/0144, LET: 17.4.2002, RO: 19.12.2002
AUSTRIA 2002/0210, LET: 17.4.2002, Termination: 17.12.2002
PORTUGAL 2002/0204, LET: 17.4.2002, RO: 24.10.2002
FINLAND 2002/0223, LET: 17.4.2002
SWEDEN 2002/0218, LET 17.4.2002, Termination 16.10.2002
UNITED KINGDOM 2002/0176, LET: 26.4.2002, Termination: 16.10.2002

32002L0025 Commission Directive 2002/25/EC of 5 March 2002 amending Council Directive 98/18/EC on safety rules and standards for passenger ships
Deadline for transposal: 15.10.2002

Member States which have notified: DK, IRL, NL, A

BELGIUM 2002/0597, LET: 21.11.2002
GERMANY 2002/0604, LET: 21.11.2002
GREECE 2002/0623, LET 21.11.2002
SPAIN 2002/0625, LET: 21.11.2002
FRANCE 2002/0590, LET: 21.11.2002
ITALY 2002/0609, LET 21.11.2002
LUXEMBOURG 2002/0593, LET: 21.11.2002
PORTUGAL 2002/0630, LET: 21.11.2002
FINLAND 2002/0640, LET: 21.11.2002
SWEDEN 2002/0636, LET: 21.11.2002
UNITED KINGDOM 2002/0612, LET 21.11.2002

ANNEX IV

PART 2 - Summary table - Progress in notification of national measures implementing directives (situation at 31 December 2002)

PART 3 - Infringements for non-conformity

PART 4 - Infringements for incorrect application of national measures implementing the directives

ANNEX IV - PART 3

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

NB : The date given is the date of notification to the Member State or the date when the action was filed at the Court of Justice of the European Communities.

Abbreviations used (cf. Part 1)

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Competition									
Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services									
1998/2072	P	4/05/1999	judgment 16/10/2001	C-1999/429					Termination
1998/2077	F	8/07/1999	judgment 6/12/2001	C-2000/146					Ongoing
1998/2240	E	4/05/1999	21/12/2001	C-2001/500					Ongoing
1998/2241	I	27/01/1999 01/09/2000							Termination
Commission Directive 96/19/EC of 13 March 1996 amending Directive 90/388/EEC with regard to the implementation of full competition in telecommunications markets									
1998/2072	P	4/05/1999	judgment 16/10/2001	C-1999/429					Termination
1998/2077	F	8/07/1999	judgment 6/12/2001	C-2000/146					Ongoing
1998/2240	E	4/05/1999	21/12/2001	C-2001/500					Ongoing
1998/2241	I	27/01/1999 01/09/2000							Termination
Employment and social affairs									
Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions									
1998/4904	F	15/06/2001	decision 20/03/2002						Ongoing
1998/2396	A	7/02/2002	decision 17/12/2002						Ongoing
1999/2179	L	15/11/2002							Ongoing

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Council Directive 77/187/EEC of 14 February 1977 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses								
1990/2144	I	4/08/1999	30/03/2001	C-2001/145				Ongoing
Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work								
1995/2136	IR	26/07/2001						Ongoing
1995/2135	F	1/07/2002						Ongoing
1995/2137	I	19/10/1998	judgment 15/11/2001	24/10/2002	C-2000/049			Ongoing
1995/2138	L	18/10/1999	20/09/2002		C-2002/335			Ongoing
1995/2139	NL	30/12/1998	15/11/2001		C-2001/441			Ongoing
1997/2149	A	19/12/2002						Ongoing
1997/2173	FI	26/07/2001						Ongoing
1997/2193	D	19/10/1998	6/01/2000		C-2000/005			Termination
1999/5063	E	25/01/2002						Ongoing
Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)								
1999/2282	D	4/07/2002						Ongoing
Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)								
1998/2222	I	4/08/1999	14/02/2001		C-2001/065			Ongoing
1999/2036	E	1/07/2002						Ongoing

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (Fifth individual Directive within the meaning of Article 16 (1) of Directive 87/391/EEC)								
1998/2224	I	9/07/1999	judgment 24/10/2002	C-2000/455				Ongoing
Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)								
1998/2354	F	6/08/1999; 11/10/2001						Termination
Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organization of working time								
1997/4778	DK	27/09/2001						Ongoing
Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC								
1999/2179	L	15/11/2002						Ongoing
Council Directive 96/97/EC of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes								
1999/2244	L	21/12/2001						Ongoing
Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies								
1998/4346	I	20/04/2001	5/02/2002	C-2002/032				Ongoing
1999/2028	P	29/12/2000	20/02/2002	C-2002/055				Ongoing

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Enterprises								
Council Directive 65/65/EEC of 26 January 1965 on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products								
1996/2094	B		20/01/1998; 26/07/2001					Ongoing
Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products								
1998/2239	I		14/07/1999	07/03/2002	C-2000/365			Termination
Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations								
1996/4294	D		16/01/2001					Ongoing
Council Directive 89/105/EEC of 21 December 1988 relating to the transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of national health insurance systems								
1995/4580	EL		23/09/1997; 13/03/2000	suspended				Ongoing
1998/4052	A		30/12/1998	judgment 27/11/2001	C-1999/424			Ongoing
1999/5305	B		16/05/2001	decision 21/12/2001				Ongoing
Council Directive 89/381/EEC of 14 June 1989 extending the scope of Directives 65/65/EEC and 75/319/EEC on the approximation of provisions laid down by Law, Regulation or Administrative Action relating to proprietary medicinal products and laying down special provisions for medicinal products derived from human blood or human plasma								
1996/2094	B		20/01/1998; 26/07/2001					Ongoing

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment								
1997/4213	D	21/10/1998	2/03/2001	C-2001/103				Ongoing
Council Directive 90/396/EEC of 29 June 1990 on the approximation of the laws of the Member States relating to appliances burning gaseous fuels								
1993/2294	I	28/11/1995	judgment 25/03/1999	C-1997/112	2/02/2000	23/10/2001		Termination
1996/4294	D	16/01/2001						Ongoing
Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity								
1999/4699	F	21/03/2002						Ongoing
Environment								
Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils								
1990/5097	D	14/03/1995	judgment 09/09/1999	C-1997/102	18/09/2000	26/07/2001		Termination
1993/2115	P	27/11/1997	13/10/1999 decision	C-1999/392				Ongoing
2000/2165	A	21/12/2001	26/06/2002 decision					Ongoing
2000/2206	S	21/03/2002	17/12/2002 decision					Ongoing
2000/2207	DK	25/04/2002						Ongoing
Council Directive 75/442/EEC of 15 July 1975 on waste								
1997/4549	UK	18/07/2002						Ongoing

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1998/2024	I	11/04/2001	20/03/2002 decision	C-2002/103					Ongoing
1998/2391	UK	24/07/2001	20/12/2001 decision						Ongoing
1998/5056	D	27/07/2000	20/12/2001 decision						Termination
1999/4401	A	27/07/2000	4/05/2001	C-2001/194					Ongoing
1999/4812	I	27/06/2002							Ongoing
2000/2034	B	7/05/2001							Ongoing
2000/2166	A	24/07/2001	action withdrawn	C-2002/192					Termination
2002/2077	I	19/12/2002							Ongoing
Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community									
1990/5220	IR	12/06/1992; 28/07/2000	31/07/2002 judgment	C-2002/282					Ongoing
1997/4357	B	18/12/1998	14/06/2001 judgment	C-2000/230	27/06/2002				Ongoing
Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds									
1992/4279	I	7/08/1997	17/05/2001 judgment	C-1999/159	21/12/2001				Termination
1995/4543	FI	28/04/1999; 25/07/2001	26/06/2002 decision						Ongoing
1996/4016	S	4/11/1999	action withdrawn decision	C-2001/247					Termination
1998/4993	D	25/07/2001	20/03/2002 decision						Ongoing
1999/4095	D	25/07/2001	suspended						Ongoing

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1999/4720	E	19/12/2002						Ongoing
1999/4937	FI	1/07/2002						Ongoing
2000/2059	NL	26/07/2001	decision 17/12/2002					Ongoing
Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substance								
1997/4357	B	18/12/1998	judgment 14/06/2001	C-2000/230	27/06/2002			Ongoing
Council Directive 80/779/EEC of 15 July 1980 on air quality limit values and guide values for sulphur dioxide and suspended particulates								
1998/4303	B	28/07/2000	decision 20/12/2001					Ongoing
Council Directive 84/360/EEC of 28 June 1984 on the combating of air pollution from industrial plants								
1997/4357	B	18/12/1998	judgment 14/06/2001	C-2000/230	27/06/2002			Ongoing
Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment								
1989/0425	IR	28/04/1993	judgment 21/09/1999	C-1996/392	25/07/2000	26/07/2001	decision 17/12/2002	Ongoing
1990/0129	E	23/12/1992	judgment 13/06/2002	C-1999/474				Termination
1991/2036	EL	1/08/2000	27/07/2001	C-2001/301				Ongoing
1997/4357	B	18/12/1998	judgment 14/06/2001	C-2000/230	27/06/2002			Ongoing
1997/4549	UK	18/07/2002						Ongoing
1998/4303	B	28/07/2000	decision 20/12/2001					Ongoing

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1999/2231	S	23/10/2002							Ongoing
1999/4323	UK	26/07/2001	21/11/2002	C-2002/421					Ongoing
1999/5166	I	19/12/2002	decision 17/12/2002						Ongoing
2001/2172	A	26/07/2002							Ongoing
2001/2193	FI	19/12/2002							Ongoing
2001/2236	D	19/12/2002							Ongoing
2001/2257	E	19/12/2002							Ongoing
2001/4898	E	19/12/2002							Ongoing
2001/5061	E	19/12/2002							Ongoing
Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture									
1999/2176	A	17/04/2001	suspended						Ongoing
2000/2034	B	7/05/2001							Ongoing
Council Directive 86/609/EEC of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes									
1991/2216	IR	25/05/1993	judgment 18/10/2001	C-1999/354	21/03/2002	27/06/2002			Ongoing
1997/2229	NL	1/08/2000	18/05/2001	C-2001/205					Ongoing
1998/2031	F	18/12/1998	judgment 12/09/2002	C-2000/152					Ongoing

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Council Directive 87/101/EEC of 22 December 1986 amending Directive 75/439/EEC on the disposal of waste oils								
1990/5097	D	14/03/1995	judgment 09/09/1999	C-1997/102	18/09/2000	26/07/2001		Termination
1993/2115	P	27/11/1997	13/10/1999	C-1999/392				Ongoing
Council Directive 86/609/EEC of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes								
2001/2018	A	27/06/2002						Ongoing
Council Directive 89/369/EEC of 8 June 1989 on the prevention of air pollution from new municipal waste incineration plants								
2000/2299	A	26/07/2001	action withdrawn	C-2002/155				Termination
Council Directive 89/429/EEC of 21 June 1989 on the reduction of air pollution from existing municipal waste-incineration plants								
2000/2299	A	26/07/2001	action withdrawn	C-2002/155				Termination
Council Directive 89/618/Euratom of 27 November 1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency								
1993/2277	F	27/07/2000	decision 20/12/2001					Ongoing
Council Directive 90/219/EEC of 23 April 1990 on the contained use of genetically modified micro-organisms								
1992/2248	F	19/05/2000	5/11/2001	C-2001/429				Ongoing
Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms								
1992/2304	F	5/04/2000	25/07/2001	C-2001/296				Ongoing
Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment								

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1993/2058	F	8/02/1999	13/06/2000	C-2000/233					Ongoing
1999/2123	A	27/07/2000	action withdrawn	C-2001/086					Termination
Council Directive 90/641/Euratom of 4 December 1990 on the operational protection of outside workers exposed to the risk of ionizing radiation during their activities in controlled areas									
1998/2307	B	1/08/2000	judgment 06/06/2002	C-2001/146					Termination
Council Directive 91/156/EEC of 18 March 1991 amending Directive 75/442/EEC on waste									
1997/4357	B	18/12/1998	judgment 14/06/2001	C-2000/230	27/06/2002				Ongoing
1998/2024	I	11/04/2001	20/03/2002	C-2002/103					Ongoing
1998/2329	I	14/07/1999	judgment 21/02/2002	C-2000/065					Termination
1998/2391	UK	24/04/2001	decision 20/12/2001						Ongoing
1999/4812	I	27/06/2002							Ongoing
2000/2034	B	only for Directive 91/689							
2002/2077	I	19/12/2002							Ongoing
Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances									
1998/4916	I	24/07/2001	decision 20/12/2001						Ongoing
Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources									
1994/2237	D	29/09/1998	judgment 14/03/2002	C-2000/161	19/12/2002				Ongoing

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1994/2238	IR	9/02/2001	10/10/2001 decision	C-2001/396					Ongoing
1994/2239	B	23/11/1998	20/12/2001 judgment						Ongoing
1996/2106	UK	9/06/1998	07/12/2000 judgment	C-1999/069	24/10/2001				Ongoing
1996/2232	I	19/02/1998	8/11/2001 judgment	C-1999/127	2/07/2002				Ongoing
Council Directive 91/689/EEC of 12 December 1991 on hazardous waste									
1998/2024	I	11/04/2001	20/03/2002 judgment	C-2002/103					Ongoing
1998/2329	I	14/07/1999	21/02/2002 judgment	C-2000/065					Termination
1998/2392	UK	24/07/2001	28/11/2002 decision	C-2002/431					Ongoing
1998/5056	D	27/07/2000	20/12/2001 decision						Termination
1999/4401	A	27/07/2000	4/05/2001 decision	C-2001/194					Ongoing
2000/2034	B	7/05/2001							Ongoing
2000/2164	A	26/07/2001	24/05/2002 judgment	C-2002/194					Ongoing
2000/2281	F	27/06/2002	action withdrawn						Ongoing
Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora									
1998/2210	L	21/01/2000	14/02/2001 judgment	C-2001/075					Ongoing
1998/2226	B	10/02/2000	05/12/2002 judgment	C-2001/324					Ongoing
1998/2233	S	1/08/2000	action withdrawn	C-2001/279					Termination

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1998/4993	D	25/07/2001	decision 20/03/2002						Ongoing
1999/2119	UK	25/07/2001							Ongoing
1999/2180	I	25/07/2001	17/04/2002	C-2002/143					Ongoing
1999/4937	FI	1/07/2002							Ongoing
2000/2059	NL	26/07/2001	decision 17/12/2002						Ongoing
Council Directive 92/72/EEC of 21 September 1992 on air pollution by ozone									
2001/2019	A	21/12/2001	decision 26/06/2002						Ongoing
European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste									
1991/4489	D	27/07/2000	3/12/2001	C-2001/463					Ongoing
1996/4515	DK	6/11/1998	action withdrawn judgment 21/02/2002	C-1999/246					Termination
1998/2329	I	14/07/1999		C-2000/065					Termination
1998/4811	FI	22/07/2002							Ongoing
2000/2214	DK	26/07/2001	decision 20/12/2001						Termination
2001/2020	A	19/12/2002							Ongoing
Council Directive 94/67/EC of 16 December 1994 on the incineration of hazardous waste									
1999/4400	A	17/01/2001	6/02/2002	C-2002/033					Ongoing
Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control									

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
2000/0070	UK	3/08/2000	judgment 7/03/2002	C-2001/039	19/12/2002				Ongoing
2000/0105	EL	25/07/2000	judgment 7/03/2002	C-2001/064	19/12/2002				Ongoing
2001/2129	A	19/12/2002							Ongoing
2001/2130	S	27/06/2002							Ongoing
2001/2192	FI	18/07/2002							
Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment									
1999/2231	S	23/10/2002							Ongoing
1999/0343	L	26/01/2000	judgment 19/02/2002	C-2000/366	19/12/2002				Ongoing
1999/4323	UK	26/07/2001	21/11/2002	C-2002/421					Ongoing
1999/5166	I	19/12/2002							Ongoing
2001/2172	A	26/07/2002	decision 17/12/2002						Ongoing
2001/2193	FI	19/12/2002							Ongoing
2001/2236	D	19/12/2002							Ongoing
Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market									
2000/0512	L	24/01/2001	judgment 16/05/2002	C-2001/372	19/12/2002				Ongoing
Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption									
2001/0160	B	26/07/2001	5/04/2002	C-2002/122					Ongoing

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
2001/0212	E	26/07/2001	1/02/2002	C-2002/029				Ongoing
Commission Directive 98/101/EC of 22 December 1998 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances								
1998/4916	I	24/07/2001	decision 20/12/2001					Ongoing
2000/0240	I	17/01/2001	judgment 30/05/2002	C-2001/323	18/10/2002			Ongoing
Information Society								
Directive 95/47/EC of the European Parliament and of the Council of 24 October 1995 on the use of standards for the transmission of television signals								
1999/2242	P	20/09/2000	suspended					Termination
2001/2247	FI	1/07/2002						Ongoing
2001/2248	S	1/07/2002						Termination
Directive 97/13/CE of the European Parliament and of the Council of 10 April 1997 on a common framework for general authorizations and individual licences in the field of telecommunications services								
1998/2122	F	17/05/1999	suspended					Ongoing
1999/2130	D	26/01/2000	suspended					Ongoing
2002/2152	F	19/12/2002						Ongoing
Directive 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in Telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision (ONP)								
1998/2077	F	8/07/1999	judgment 6/12/2001	C-2000/146				Ongoing
1998/2122	F	17/05/1999	suspended					Ongoing

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1998/2131	B	15/04/1999	judgment 19/09/2002	C-2001/221					Ongoing
2001/2047	FI	1/07/2002							Ongoing
2001/2055	FI	1/07/2002							Ongoing

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Directive 97/66 of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector								
2000/2236	I	25/07/2001	action withdrawn	C-2002/070				Termination
2000/2237	NL	25/07/2001	1/10/2002	C-2002/350				Ongoing
Directive 98/10/EC of the European Parliament and of the Council of 26 February 1998 on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment								
1998/2375	L	26/01/2000; 21/12/2001						Termination
1998/2377	B	02/02/2000; 20/09/2000						Termination
1999/2125	A	1/02/2000	decision 26/06/2002					Ongoing
2001/2067	A	21/12/2001	18/11/2002	C-2002/411				Ongoing
Directive 98/61/EC of the European Parliament and of the Council of 24 September 1998 amending Directive 97/33/EC with regard to operator number portability and carrier pre-selection								
2000/2020	F	3/08/2000	decision 28/03/2001					Termination
Justice and Home Affairs								
Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals								
1998/2051	EL	1/08/1999	suspended					Termination

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Internal market								
services in respect of the activities of insurance agents and brokers (ex ISIC Group 630) and, in particular, transitional measures in respect of those activities								
1995/4242	E	29/07/1998	decision 01/07/1999					Ongoing
Council Directive 78/686/EEC of 25 July 1978 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services								
2000/2052	A	25/07/2001	decision 26/06/2002					Ongoing
Council Directive 78/687/EEC of 25 July 1978 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of dental practitioners								
2000/2052	A	25/07/2001	decision 26/06/2002					Ongoing
Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products								
1998/2231	EL	11/08/1999	judgment 25/04/2002	C-2000/154				Termination
1998/2245	F	6/08/1999	judgment 25/04/2002	C-2000/052				Ongoing
Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration								
1996/2254	F	15/10/1998	judgment 10/05/2001	C-2000/285	8/07/2002	19/12/2002		Ongoing
2000/2116	E	26/07/2001	decision 20/12/2001					Ongoing

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
2001/4046	EL	1/07/2002	decision 17/12/2002					Ongoing
Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts								
1994/2236	P	7/07/1997; 9/02/2001	decision 17/12/2002					Ongoing
1995/2054	E	25/08/1999	30/05/2000	C-2000/214				Ongoing
1997/2012	A	26/07/2001	5/06/2002	C-2002/212				Ongoing
Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors								
1995/2082	F	8/11/1996	judgment 19/05/1999	C-1997/225	24/01/2001	26/07/2001		Termination
1995/2084	UK	8/07/1998	action withdrawn	C-2001/115				Termination
1997/2012	A	26/07/2001	5/06/2002	C-2002/212				Ongoing
Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive)								
1995/2046	F	5/03/1997	judgment 16/12/1999	C-1998/239	4/04/2000	18/09/2000	15/07/2002 C-2002/261	Ongoing
1995/2108	D	30/05/2000	26/07/2001	C-2001/298				Ongoing
1995/2109	FI	19/04/2001						Termination
1996/2134	F	20/04/2001	30/09/2002	C-2002/347				Ongoing
1996/2135	B	23/10/2001						Termination
1996/2137	FI	23/10/2001						Termination

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
2000/4317	I	27/10/2000	1/02/2001	C-2001/059				Ongoing
2001/2123	L	21/12/2001	30/09/2002	C-2002/346				Ongoing
Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts								
1997/4522	I	10/08/1998	action withdrawn	C-2001/412				Termination
2001/2213	F	23/10/2002						Ongoing
Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC								
1999/2216	EL	24/01/2001; 27/06/2002						Ongoing
2000/2116	E	26/07/2001	decision 20/12/2001					Ongoing
2000/2271	I	24/07/2001	20/03/2002	C-2002/101				Ongoing
Council Directive 92/96/EEC of 10 November 1992 on the coordination of laws, regulations and administrative provisions relating to direct life assurance and amending Directives 79/267/EEC and 90/619/EEC (third life assurance Directive)								
1995/2046	F	5/03/1997	judgment 16/12/1999	C-1998/239	4/04/2000	18/09/2000	15/07/2002	C-2002/261 Ongoing
Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts								
1996/2104	E	24/01/2001; 31/01/2002	decision 26/06/2002					Ongoing
2001/2213	F	23/10/2002						Ongoing
Council Directive 93/37/EEC of 14 June 1993 concerning the coordination of procedures for the award of public works contracts								
1996/2105	E	24/01/2001; 31/01/2002	decision 26/06/2002					Ongoing

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
2001/2213	F	23/10/2002						Ongoing
Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors								
2001/2213	F	23/10/2002						Ongoing
Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service								
2000/2117	B	25/07/2001						Ongoing
2000/2106	F	27/06/2002						Ongoing
Health and consumer protection								
Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours								
1998/2388	L	19/10/2000	action withdrawn		C-2001/242			Termination
Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts								
1994/2170	NL	6/04/1998	judgment 10/5/2001		C-1999/144	5/11/2001		Termination
1998/2026	I	18/12/1998	judgment 24/1/2002		C-1999/372	15/11/2002		Ongoing
1998/2032	S	21/12/1998	judgment 7/5/2002		C-1999/478			Termination
Directive 94/47/EC of the European Parliament and the Council of 26 October 1994 on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a timeshare basis								
1998/2034	P	2/02/2001						Termination
1999/2043		3/08/2000	action withdrawn		C-2001/124			Termination

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs								
2001/2003	F	18/07/2002						Ongoing
Taxation and customs union								
Council Directive 77/799/EEC of 19 December 1977 concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation								
1996/2196	UK	27/06/2002	decision 17/12/2002					Ongoing
Council Directive 79/1070/EEC of 6 December 1979 amending Directive 77/799/EEC concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation								
1996/2196	UK	27/06/2002	decision 17/12/2002					Ongoing
Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products								
1996/2196	UK	27/06/2002	decision 17/12/2002					Ongoing
Energy and transport								
Council Directive 91/439/EEC of 29 July 1991 on driving licences								
1996/2214	EL	7/09/2000	suspended					Termination
1996/2220	NL	7/12/1998	20/06/2000	C-2000/246				Ongoing
1997/2027	D	21/03/2002						Ongoing
1999/2167	E	26/07/2001	27/05/2002	C-2002/195				Ongoing
1999/2269	F	17/01/2001	13/03/2002	C-2002/085				Ongoing

NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES

MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports								
1998/5036	D	21/03/2002	16/10/2002 decision					Ongoing
1999/4472	I	24/07/2001	19/12/2002		C-2002/460			Ongoing
Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity								
2000/2171	B	1/02/2001	8/04/2002		C-2002/126			Ongoing
Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships								
1999/2135	B	7/09/2000	27/02/2002 judgment		C-2001/140			Termination
2000/2098	I	23/10/2001	26/06/2002 decision					Termination
Directive 98/30/EC of the European Parliament and of the Council of 22 June 1998 concerning common rules for the internal market in natural gas								
2000/2218	D	13/06/2001	16/10/2002 decision					Ongoing

ANNEX IV - PART 4

INCORRECT APPLICATION OF DIRECTIVES

NB : The date given is the date of notification to the Member States or the date when the action was filled at the Court of Justice of the European Communities

Abbreviations used (cf. Part 1)

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1994/2105	B	27/06/2002	17/12/2002 decision						Ongoing
1994/2106	B	27/06/2002	17/12/2002 decision						Ongoing
1994/2130	F	28/04/1999	10/01/2002	C-2002/006					Ongoing
1994/2135	I	21/12/2001	28/11/2002	C-2002/430					Ongoing
1994/2225	F	28/04/1999	10/01/2002	C-2002/006					Ongoing
1994/2226	F	28/04/1999	10/01/2002	C-2002/006					Ongoing
1994/2227	F	28/04/1999	10/01/2002	C-2002/006					Ongoing
1994/2228	F	28/04/1999	10/01/2002	C-2002/006					Ongoing
1994/2229	F	28/04/1999	10/01/2002	C-2002/006					Ongoing
1994/2230	F	28/04/1999	10/01/2002	C-2002/006					Ongoing
1994/2231	F	28/04/1999	10/01/2002	C-2002/006					Ongoing
1994/2232	F	28/04/1999	10/01/2002	C-2002/006					Ongoing
1994/2233	F	28/04/1999	10/01/2002	C-2002/006					Ongoing
1994/2234	F	28/04/1999	10/01/2002	C-2002/006					Ongoing
1994/4603	D	11/12/1998	05/11/2002 judgment	C-2000/325					Ongoing

Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs									
2000/5213	E	25/04/2002	decision 16/10/2002						Ongoing
Competition									
Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services									
1999/4784	L	3/08/2000	27/02/2001	C-2001/097					Ongoing
2001/2217	P	19/12/2002							Ongoing
Commission Directive 96/2/EC of 16 January 1996 amending Directive 90/388/EEC with regard to mobile and personal communications									
1998/2100	EL	17/12/1998	judgment 16/10/2001	C-1999/397					Termination
Council Directive 96/16/EC of 19 March 1996 on statistical surveys of milk and milk products									
2001/2217	P	19/12/2002							Ongoing
Commission Directive 96/19/EC of 13 March 1996 amending Directive 90/388/EEC with regard to the implementation of full competition in telecommunications markets									
1999/4784	L	3/08/2000	27/02/2001	C-2001/097					Ongoing
Education and culture									
Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by Law, Regulation or Administrative Action in Member States concerning the pursuit of television broadcasting activities									
1998/4572	E	24/01/2001; 26/04/2002							Ongoing
Employment and social affairs									
Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions									

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent EC	Referral 228 EC	Case	Status on 31/12/2002
2000/2312	D	27/06/2002	17/12/2002 decision						Ongoing
Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work									
1997/4779	P	2/02/2001	26/10/2001	C-2001/425					Ongoing
2000/4194	I	18/07/2002	17/12/2002 decision						Ongoing
Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)									
2000/4194	I	18/07/2002	17/12/2002 decision						Ongoing
Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC									
2000/2003	UK	2/04/2001							Termination
Council Directive 97/75/EC of 15 December 1997 amending and extending, to the United Kingdom of Great Britain and Northern Ireland, Directive 96/34/EC on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC									
2000/2003	UK	2/04/2001							Termination
Enterprise									
Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations									
1996/0556	B	21/03/2002							Ongoing
2001/0629	P	1/07/2002							Ongoing
Council Directive 88/182/EEC of 22 March 1988 amending Directive 83/189/EEC laying down a procedure for the provision of information in the field of technical standards and regulations									
1996/0556	B	21/03/2002							Ongoing
2001/0629	P	1/07/2002							Ongoing
Council Directive 89/105/EEC of 21 December 1988 relating to the transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of national health insurance systems									

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1997/4349	FI	17/12/1998	8/06/2000	C-2000/229					Ongoing
Council Directive 93/15/EEC of 5 April 1993 on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses									
1997/4054	D	7/04/2000	13/03/2002	C-2002/086					Ongoing
Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft									
2001/2017	B	19/12/2002							Ongoing
Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations									
1999/4086	P	20/04/2001							Ongoing
1996/0556	B	21/03/2002							Ongoing
2001/0629	P	1/07/2002							Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Environment									
Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils									
1999/2100	I	26/01/2000	judgment 11/12/2001	C-2000/376					Termination
2000/2170	EL	27/06/2002	decision 17/12/2002						Ongoing
2000/2193	IR	25/07/2001							Ongoing
2000/2197	F	24/10/2002							Ongoing
2000/2209	B	22/07/2002							Ongoing
2000/2231	UK	21/12/2001	18/11/2002	C-2002/424					Ongoing
2000/2243	FI	23/10/2002							Ongoing
2001/2042	P	23/10/2001; 21/12/2001	decision 26/06/2002						Ongoing
Council Directive 75/440/EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States									
1992/4200	F	28/10/1997	judgment 8/03/2001	C-1999/266	21/12/2001				Ongoing
2001/2127	F	27/06/2002							Ongoing
Council Directive 75/442/EEC of 15 July 1975 on waste									
1990/0262	I	5/07/1996	judgment 09/11/1997	C-1997/365	27/07/2001				Termination
1995/4485	NL	1/08/2000	27/03/2002	C-2002/113					Ongoing
1995/4727	D	19/02/1999	7/06/2000	C-2000/228					Ongoing
1997/4726	EL	3/08/1999	action withdrawn	C-2001/302					Termination
1998/2162	E	28/02/2000	20/11/2001	C-2001/446					Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1998/2203	I	21/12/2001							Ongoing
1998/4215	IR	19/12/2002							Ongoing
1998/4802	I	27/06/2002							Ongoing
1998/5057	E	31/01/2001							Termination
1998/5091	I	23/10/2001	21/10/2002	C-2002/375					Ongoing
1999/2100	I	26/01/2000	judgment 11/12/2001	C-2000/376					Termination
1999/2240	I	27/06/2002							Ongoing
1999/4006	I	11/04/2001							Ongoing
1999/4797	I	23/10/2001	24/10/2002	C-2002/383					Ongoing
1999/5112	IR	26/07/2001	20/10/2001	C-2001/494					Ongoing
2000/2225	E	21/12/2001	11/11/2002	C-2002/398					Ongoing
2000/2315	EL	21/12/2001	21/11/2002	C-2002/420					Ongoing
2000/4044	E	26/07/2001	19/11/2002	C-2002/416					Ongoing
2000/4554	I	27/06/2002							Ongoing
2000/4689	E	19/12/2002							Ongoing
2000/4905	UK	19/12/2002							Ongoing
2001/2127	F	27/06/2002							Ongoing
2001/2273	EL	19/12/2002							Ongoing
2001/4894	E	19/12/2002							Ongoing
Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water									
1989/0317	D	22/06/1994	judgment 08/06/1999	C-1997/198	28/07/2000	20/12/2002			Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1989/0416	B	27/12/1996	judgment 25/05/2000	C-1998/307	1/02/2001	19/12/2002			Ongoing
1989/0418	E	27/11/1990	judgment 12/02/1998	C-1996/092	24/01/2000	27/07/2000	13/07/2001	C-2001/278	Ongoing
1996/2107	F	5/08/1998	judgment 15/03/2001	C-2000/147					Ongoing
1996/2108	P	11/12/1998	10/07/2001	C-2001/272					Ongoing
1996/2109	NL	15/10/1998	judgment 19/03/2002	C-2000/268					Ongoing
1997/4742	UK	28/02/2000	judgment 13/11/2001	C-2000/427					Ongoing
1998/2196	F	6/08/1999	judgment 15/03/2001	C-2000/147					Termination
1999/2142	S	26/01/2000	judgment 14/06/2001	C-2000/368	19/12/2002				Ongoing
1999/2156	DK	7/04/2000	6/06/2001	C-2001/226					Ongoing
1999/5281	EL	19/12/2002							Ongoing
2000/2196	F	26/07/2001	action withdrawn	C-2002/129					Termination
2000/4432	E	1/07/2002							Ongoing
2000/4689	E	19/12/2002							Ongoing
2000/4722	IR	19/12/2002							Ongoing
Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community									
1990/0960	E	17/11/1994	judgment 25/11/1998	C-1996/214	24/07/2001				Ongoing
1990/0979	EL	23/12/1996	judgment 25/05/2000	C-1997/384	27/07/2001				Ongoing
1990/4113	NL	23/12/1996	17/04/1998	C-1998/152	27/06/2002	19/12/2002			Ongoing
1991/0205	B	6/08/1996	judgment 21/01/1999	C-1997/207	24/07/2001	4/07/2002			Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent EC	Referral 226 EC	Case	LET 228 sent	RO 228 sent EC	Referral 228 EC	Case	Status on 31/12/2002
1991/0206	F	18/05/1993; 24/02/2000	21/03/2001	C-2001/130					Ongoing
1991/0207	L	25/05/1993	11/06/1998 judgment	C-1996-206	25/07/2001	27/06/2002			Ongoing
1991/0556	P	25/05/1993	13/07/2000 judgment	C-1998/261	23/10/2001	27/06/2002			Ongoing
1991/0642	I	25/05/1993	01/10/1998 judgment	C-1996/285	24/06/2001				Ongoing
1998/2060	B	22/12/1998	13/11/2002	C-2002/406					Ongoing
2000/4678	IR	19/12/2002							Ongoing
Council Directive 78/659/EEC of 18 July 1978 on the quality of fresh waters needing protection or improvement in order to support fish life									
1998/2060	B	22/12/1998	13/11/2002	C-2002/406					Ongoing
2000/4126	UK	19/12/2002							Ongoing
Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds									
1989/4910	F	28/11/1995	25/11/1999 judgment	C-1998/096	29/01/2001	27/06/2002			Ongoing
1991/4599	F	3/07/1995	19/03/1999 judgment	C-1997/166	27/10/1999	21/12/2001			Ongoing
1993/2165	I	18/08/1998	5/10/2001 judgment	C-2001/378					Ongoing
1994/4733	F	19/12/1997	07/12/2000 decision	C-1998/374	25/07/2001	21/12/2001; 19/12/2002			Ongoing
1994/5069	EL	28/07/2000	17/12/2002						Ongoing
1995/4554	P	2/12/2001							Ongoing
1995/4840	IR	8/04/1998	13/06/2002 judgment	C-2000/117					Ongoing
1997/2004	F	4/04/2000	26/11/2002 judgment	C-2001/202					Ongoing
1997/4360	D	19/12/2002							Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1998/2068	E	26/07/2001	decision 24/04/2002						Ongoing
1998/2208	FI	17/12/1998	15/06/2000	C-2000/240					Ongoing
1998/2290	IR	23/10/2001							Ongoing
1998/2345	EL	19/12/2002							Ongoing
1998/4203	P	30/06/2000	suspended						Ongoing
1998/4215	IR	19/12/2002							Ongoing
1998/4440	A	13/11/2001							Ongoing
1998/4602	F								
only for Directives 85/337 and 97/11									
1999/2212	E	31/01/2001							Ongoing
1999/4311	P	30/01/2001	4/03/2002	C-2002/072					Ongoing
1999/4459	A	27/07/2000	4/06/2002	C-2002/209					Ongoing
1999/4814	B	19/07/2000	19/10/2001	C-2001/415					Ongoing
1999/4815	F	25/07/2001							Termination
1999/4931	NL	25/07/2001	suspended						Ongoing
1999/5005	A	23/10/2001							Ongoing
1999/5109	B	7/09/2000	action withdrawn	C-2001/377					Termination
1999/5129	UK	27/06/2002 ; 19/12/2002							Ongoing
1999/5277	I	27/06/2002							Ongoing
2000/2077	P	11/04/2001	decision 18/07/2001						Termination
2000/2213	L	21/12/2001	suspended						Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
2000/2289	EL	19/12/2002							Ongoing
2000/4418	P	11/04/2001	decision 16/10/2002						Ongoing
2000/4674	A	16/01/2002	decision 16/10/2002						Ongoing
2000/4884	P	12/07/2002							Ongoing
2000/5150	I	19/12/2002							Ongoing
Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters									
2000/4210	IR	25/07/2001	28/02/2002	C-2002/067					Ongoing
2000/4432	E	1/07/2002							Ongoing
Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances									
1992/4682	EL	27/06/2002	decision 17/12/2002						Ongoing
1998/2060	B	22/12/1998	13/11/2002	C-2002/406					Ongoing
1998/5057	E	31/01/2001							Termination
1999/4830	E	26/07/2001							Termination
2000/4044	E	26/07/2001	19/11/2002	C-2002/416					Ongoing
2000/4678	IR	19/12/2002							Ongoing
Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption									
1997/4409	IR	14/07/1999	judgment 14/11/2002	C-2000/316					Ongoing
1999/2232	F	19/12/2002							Ongoing
2000/4248	E	26/07/2001	decision 26/06/2002						Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
2001/4356	P	27/06/2002	17/12/2002 decision						Ongoing
Council Directive 84/360/EEC of 28 June 1984 on the combating of air-pollution from industrial plants									
1997/4906	EL	21/03/2002	17/12/2002 decision						Ongoing
Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment									
1995/4554	P	21/12/2001							Ongoing
1995/4840	IR	8/04/1998	13/06/2002 Judgment	C-2000/117					Ongoing
1997/4442	E	27/07/2000	18/07/2001 decision						Termination
1997/4639	F	21/12/2001							Ongoing
1997/4703	IR	6/08/2001							Ongoing
1997/4726	EL	3/08/1999	action withdrawn	C-2001/302					Termination
1997/4773	L	25/07/2000	20/12/2001 decision						Ongoing
1997/4829	F	27/06/2002							Ongoing
1998/2389	E	31/01/2001; 27/06/2002							Ongoing
1998/4155	E	26/07/2001							Termination
1998/4215	IR	19/12/2002							Ongoing
1998/4382	NL	26/07/2001							Ongoing
1998/4602	F	21/12/2001							Ongoing
1998/4855	F	23/10/2001; 21/12/2001							Ongoing
1998/5057	E	31/01/2001							Termination

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1999/2240	I	27/06/2002							Ongoing
1999/2251	I	19/12/2002							Ongoing
1999/4465	UK	26/07/2001	decision 17/12/2002						Ongoing
1999/4495	E	26/09/2000	7/06/2001	C-2001/227					Ongoing
1999/4715	I	26/07/2001	13/03/2002	C-2002/087					Ongoing
1999/4810	I	7/09/2000; 21/12/2001							Ongoing
1999/4813	I	2/07/2002	decision 17/12/2002						Ongoing
1999/4830	E	26/07/2001							Termination
1999/5277	I	27/06/2002							Ongoing
1999/5281	EL	19/12/2002							Ongoing
2000/4044	E	26/07/2001	19/11/2002	C-2002/416					Ongoing
2000/4616	IR	21/12/2001							Ongoing
2000/4777	IR			Dossier traité sous 2000/4616					Vair 2000/4616
2000/4905	UK	19/12/2002							Ongoing
Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture									
1999/2100	I	26/01/2000	judgment 11/12/2001	C-2000/376					Termination
2000/2191	I	26/07/2001	8/07/2002	C-2002/248					Ongoing
Council Directive 86/609/EEC of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes									
1997/4379	B	29/01/2001	suspended						Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent EC	Referral 228 EC	Case	Status on 31/12/2002
1999/5144	E	21/12/2001							Ongoing
Council Directive 87/101/EEC of 22 December 1986 amending Directive 75/439/EEC on the disposal of waste oils									
2000/2209	B	22/07/2002							Ongoing
2001/2042	P	23/10/2001; 21/12/2001	decision 26/06/2002						Ongoing
Council Directive 89/369/EEC of 8 June 1989 on the prevention of air pollution from new municipal waste incineration plants									
1993/4621	E	24/07/1998	judgment 11/07/2002	C-2000/139					Ongoing
1999/4014	F	21/10/1999	judgment 18/06/2002	C-2001/060					Ongoing
Council Directive 89/429/EEC of 21 June 1989 on the reduction of air pollution from existing municipal waste-incineration plants									
1999/4014	F	21/10/1999	judgment 18/06/2002	C-2001/060					Ongoing
2000/4762	UK	23/10/2002							Ongoing
Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment									
2000/4210	IR							only for Directive 79/923	
2001/4942	E	19/12/2002							Ongoing
Council Directive 91/156/EEC of 18 March 1991 amending Directive 75/442/EEC on waste									
1997/2178	F	5/08/1998	judgment 02/05/2002	C-1999/292					Ongoing
1997/2182	I	21/10/1998	judgment 24/01/2002	C-1999/466	19/12/2002				Ongoing
1997/2185	UK	23/04/1999	judgment 24/01/2002	C-2000/035					Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent EC	Referral 226 EC	Case	LET 228 sent	RO 228 sent EC	Referral 228 EC	Case	Status on 31/12/2002
1998/2203	I	21/12/2001							Ongoing
1998/4802	I	27/06/2002							Ongoing
1998/5091	I	23/10/2001	21/10/2002 judgment	C-2002/375					Ongoing
1999/2238	L	25/07/2000	15/01/2002	C-2001/196	19/12/2002				Ongoing
1999/2240	I	27/06/2002							Ongoing
1999/4006	I	11/04/2001							Ongoing
1999/4100	L	4/04/2000	19/12/2000	C-2000/458					Ongoing
1999/4797	I	23/10/2001	24/10/2002	C-2002/383					Ongoing
1999/5112	IR	26/07/2001	20/10/2001	C-2001/494					Ongoing
2000/2315	EL	21/12/2001	21/11/2002	C-2002/420					Ongoing
2000/4905	UK	19/12/2002							Ongoing
2001/2273	EL	19/12/2002							Ongoing
Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances									
2000/2194	D	25/07/2001	suspended						Ongoing
Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment									
1997/2069	E	11/12/1998	23/10/2001	C-2001/419					Ongoing
1998/2110	F	10/04/2001	30/07/2002	C-2002/280					Ongoing
1998/2194	D	28/10/1999	action withdrawn	C-2002/191					Ongoing
1998/2265	UK	19/04/2001							Ongoing
1999/2020	I	21/01/2000	judgment 25/04/2002	C-2000/396					Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1999/2030	B	3/11/2000	18/07/2001 decision						Ongoing
1999/4336	EL	27/07/2001	3/04/2002	C-2002/119					Ongoing
2000/2014	EL	26/07/2001	suspended						Ongoing
2000/2017	EL	21/12/2001							Termination
2000/4044	E	26/07/2001	19/11/2002	C-2002/416					Ongoing
2000/2047	IR	7/10/2002							Ongoing
2000/4432	E	1/07/2002							Ongoing
2000/4722	IR	19/12/2002							Ongoing
2002/2109	B	19/12/2002							Ongoing
2002/2115	F	19/12/2002							Ongoing
Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources									
1994/2246	F	9/07/1999	27/06/2002 judgment	C-2000/258					Ongoing
1997/2192	L	26/01/2000	8/03/2001 judgment	C-2000/266	18/10/2002				Ongoing
1997/4750	B	9/11/1999	18/07/2001 decision						Ongoing
1998/2158	NL	3/08/1999	30/08/2000	C-2000/322					Ongoing
2000/2260	P	25/07/2001	suspended						Ongoing
2000/4044	E	26/07/2001	19/11/2002	C-2002/416					Ongoing
2000/2099	A	18/10/2002							Ongoing
Council Directive 91/689/EEC of 12 December 1991 on hazardous waste									

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1992/4682	EL	27/06/2002	17/12/2002 decision						Ongoing
1997/2178	F	5/08/1998	02/05/2002 judgment	C-1999/292					Ongoing
1997/2182	I	21/10/1998	24/01/2002 judgment	C-1999/466	19/12/2002				Ongoing
1997/2185	UK	23/04/1999	24/01/2002 judgment	C-2000/035					Ongoing
1998/2174	EL	17/12/1998	13/06/2002 judgment	C-2001/033					Ongoing
1998/5057	E	31/01/2001							Termination
1998/5091	I	23/10/2001	21/10/2002	C-2002/375					Ongoing
2000/4689	E	19/12/2002							Ongoing
Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment									
1998/2060	B	22/12/1998	13/11/2002 judgment	C-2002/406					Ongoing
1998/2173	P	2/02/1999	12/12/2000 judgment	C-1999/435					Termination
1999/2100	I	26/01/2000	3/10/2000	C-2000/376					Termination
2000/2191	I	26/07/2001	8/07/2002	C-2002/248					Ongoing
Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora									
1989/4910	F	28/11/1995	25/11/1999 judgment	C-1998/096	29/01/2001	27/06/2002			Ongoing
1991/4599	F	3/07/1995	19/03/1999 judgment	C-1997/166	27/10/1999	21/12/2001			Ongoing
1994/4733	F	19/12/1997	07/12/2000 judgment	C-1998/374	25/07/2001	21/12/2001; 19/12/2002			Ongoing
1995/2223	S	2/08/1999 ; 26/06/2002							Ongoing
1995/2225	D	19/12/1997	11/09/2001 judgment	C-1999/071					Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1995/2229	IR	19/12/1997	judgment 11/09/2001	C-1999/067	21/12/2001				Ongoing
1995/2230	F	6/11/1997	judgment 11/09/2001	C-1999/220					Ongoing
1995/4554	P	21/12/2001							Ongoing
1995/4840	IR	8/04/1998	judgment 13/06/2002	C-2000/117					Ongoing
1997/2004	F	4/04/2000	judgment 26/06/2002	C-2001/202					Ongoing
1997/4360	D	19/12/2002							Ongoing
1997/4639	F	21/12/2001							Ongoing
1997/4969	D	2/02/2001							Ongoing
1998/2277	EL	15/06/1999	judgment 30/01/2002	C-2000/103	19/12/2002				Ongoing
1998/2290	IR	23/10/2001							Ongoing
1998/2346	I	9/02/2001							Ongoing
1998/2389	E	31/01/2001; 27/06/2002							Ongoing
1998/4017	UK	2/02/2001	9/11/2001	C-2001/434					Ongoing
1998/4215	IR	19/12/2002							Ongoing
1998/4440	A	13/11/2001							Ongoing
1998/4602	F							only for Directives 85/337 and 97/11	
1998/4718	E	21/12/2001							Ongoing
1998/4855	P	23/10/2001; 21/12/2001							Ongoing
1999/2275	P	25/07/2000	27/03/2002	C-2002/117					Ongoing
1999/4311	P	30/01/2001	4/03/2002	C-2002/072					Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1999/4813	I	2/07/2002	decision 17/12/2002						Ongoing
1999/5005	A	23/10/2001							Ongoing
1999/5085	P	17/01/2002 27/06/2002 ;	decision 16/10/2002						Ongoing
1999/5129	UK	19/12/2002							Ongoing
1999/5197	D	19/12/2002							Ongoing
1999/5199	F	21/12/2001							Ongoing
1999/5277	I	27/06/2002							Ongoing
2000/2289	EL	19/12/2002							Ongoing
2000/4418	P	11/04/2001	decision 16/10/2002						Ongoing
2000/4616	IR	21/12/2001							Ongoing
2000/5150	I	19/12/2002							Ongoing
2000/5242	S	26/07/2001							Ongoing
2001/2070	FI	4/07/2002							Ongoing
European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste									
1997/2178	F	5/08/1998	judgment 02/05/2002	C-1999/292					Ongoing
1997/2182	I	21/10/1998	judgment 24/01/2002	C-1999/466	19/12/2002				Ongoing
1997/2185	UK	23/04/1999	judgment 24/01/2002	C-2000/035					Ongoing
1999/4099	IR	19/12/2002							Ongoing
Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation									

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
2000/4762	UK	23/10/2002							Ongoing
Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)									
1999/2254	D	19/01/2001	22/11/2001	C-2001/454					Ongoing
1999/2255	A	26/07/2001	action withdrawn	C-2002/146					Termination
1999/2256	B	22/07/2002							Ongoing
1999/2258	E	18/09/2000	judgment 03/10/2002	C-2001/047					Termination
1999/2260	F	27/07/2000	6/06/2002	C-2001/177	19/12/2002				Ongoing
1999/2261	EL	1/08/2000	12/03/2002	C-2002/083					Ongoing
1999/2262	IR	25/07/2000	action withdrawn	C-2001/120					Termination
1999/2263	I	3/08/2000	27/02/2002	C-2001/046	18/10/2002				Ongoing
1999/2264	L	25/07/2000	judgment 05/12/2002	C-2001/174					Ongoing
1999/2266	P	1/08/2000	17/05/2002	C-2002/185					Ongoing
1999/2267	UK	3/08/2000; 21/12/2001							Termination
1999/2268	S	9/02/2001							Termination
Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment									
1998/4602	F	21/12/2001							Ongoing
1999/2240	I	27/06/2002							Ongoing
1999/4715	I	26/07/2001	13/03/2002	C-2002/087					Ongoing
2000/4044	E	26/07/2001	19/11/2002	C-2002/416					Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption									
2001/2005	UK	24/07/2001	26/02/2002	C-2002/063					Ongoing
Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste									
2001/4894	E	19/12/2002							Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent EC	Referral 226 EC	Case	LET 228 sent	RO 228 sent EC	Referral 228 EC	Case	Status on 31/12/2002
Information Society									
Directive 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in Telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision									
2001/2050	EL	1/07/2002							Ongoing
2001/2053	L	21/03/2002							Ongoing
2001/2054	A	1/07/2002							Ongoing
Directive 98/10/EC of the European Parliament and of the Council of 26 February 1998 on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment									
2001/2065	L	21/12/2001	26/06/2002 decision						Termination
2001/2056	B	21/03/2002							Ongoing
2001/2060	A	1/07/2002							Ongoing
2001/2066	NL	1/07/2002							Ongoing
2002/2042	F	19/12/2002							Ongoing
2002/2044	P	19/12/2002							Ongoing
2002/2150	EL	19/12/2002							Ongoing
2002/2151	I	19/12/2002							Ongoing
Directive 98/61/EC of the European Parliament and of the Council of 24 September 1998 amending Directive 97/33/EC with regard to operator number portability and carrier pre-selection									
2000/2024	NL	1/08/2000; 30/04/2001	26/06/2002 decision						Termination
2000/2109	D	30/10/2000; 20/04/2001	6/11/2002	C-2002/401					Ongoing
2000/2110	UK	2/02/2001							Termination
2000/2238	F	30/04/2001	20/12/2001 decision						Ongoing
2000/2296	S	26/07/2001	20/12/2001 decision						Termination

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent EC	Referral 226 EC	Case	LET 228 sent	RO 228 sent EC	Referral 228 EC	Case	Status on 31/12/2002
Justice and Home Affairs									
Council Directive 64/221/EEC of 25 February 1964 on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health									
1997/2207	D	24/07/2000	5/12/2002	C-2002/441					Ongoing
1999/5306	B	13/05/2002	17/12/2002						Ongoing
Council Directive 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families									
1998/5022	E	5/04/2002	16/10/2002	decision					Ongoing
1999/4273	E	5/04/2002	16/10/2002	decision					Ongoing
Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services									
1998/5022	E	5/04/2002	16/10/2002	decision					Ongoing
1999/4273	E	5/04/2002	16/10/2002	decision					Ongoing
Council Directive 90/364/EEC of 28 June 1990 on the right of residence									
1999/5306	B	13/05/2002	17/12/2002	decision					Ongoing
Council Directive 93/96/EEC of 29 October 1993 on the right of residence for students									
2002/2097	F	19/12/2002							Ongoing
Internal market									
Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability									

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent EC	Referral 228 EC	Case	Status on 31/12/2002
2000/4515	IR	26/07/2001							Termination
Council Directive 78/686/EEC of 25 July 1978 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services									
1990/0412	I	28/11/1991	judgment 01/06/1995	C-1993/040					Ongoing
1996/2179	I	18/08/1998	judgment 29/11/2001	C-1999/202					Ongoing
1997/4363	P	1/02/2000	decision 17/12/2002						Ongoing
Council Directive 78/687/EEC of 25 July 1978 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of dental practitioners									
1990/0412	I	28/11/1991	judgment 01/05/1995	C-1993/040					Ongoing
1996/2179	I	18/08/1998	judgment 29/11/2001	C-1999/202					Ongoing
Second Council Directive 84/5/EEC of 30 December 1983 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles									
1999/5120	UK	19/12/2002							Ongoing
Council Directive 84/641/EEC of 10 December 1984 amending, particularly as regards tourist assistance, the First Directive (73/239/EEC) on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance									
1998/4727	EL	18/09/2000	suspended						Termination
Council Directive 85/384/EEC of 10 June 1985 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services									
1994/4270	I	23/03/1998	judgment 21/03/2002	C-1999/298					Ongoing
1997/4319	EL	24/02/2000	19/11/2002	C-2002/417					Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration									
1998/2324	A	26/07/2001	16/10/2002 decision						Ongoing
1999/2076	E	24/07/2000	26/06/2002 decision						Ongoing
1999/2079	P	29/12/2000	8/05/2002	C-2002/171					Ongoing
1999/2126	D	21/12/2001							Ongoing
2000/4520	NL	11/10/2001							Ongoing
Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts									
1995/4379	B	10/03/1999	29/06/2001	C-2001/252					Ongoing
1997/4134	I	21/12/2001							Termination
1997/4540	D	6/03/2000	23/01/2001	C-2001/028					Ongoing
1998/4905	D	6/03/2000	16/01/2001	C-2001/020					Ongoing
1998/5025	B	9/02/2001							Termination
1998/5040	E	21/12/2001							Ongoing
1999/4009	D	20/04/2001	17/12/2002 decision						Ongoing
1999/4414	NL	30/04/2001							Termination
1999/4887	F	26/07/2001	24/09/2002	C-2002/340					Ongoing
1999/5040	IR	19/12/2002							Ongoing
1999/5157	D	25/07/2001	17/12/2002 decision						Ongoing
2000/2066	F	27/06/2002	17/12/2002 decision						Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
2000/2219	UK	27/06/2002							Ongoing
2000/4075	I	21/12/2001							Termination
2000/4268	I	19/09/2001							Termination
2000/4284	E	31/01/2002	decision 17/12/2002						Ongoing
2000/4359	I	23/04/2001							Termination
2000/4434	D	18/10/2002							Ongoing
2000/4574	IR	19/12/2002							Ongoing
2000/4724	EL	19/09/2001	8/11/2002	C-2002/394					Ongoing
2000/4926	I	27/06/2002							Ongoing
2001/4111	A	21/12/2001							Ongoing
2001/4554	I	24/10/2002							Ongoing
2001/5114	D	24/10/2002							Ongoing
Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC									
1996/4801	I	21/06/2000	judgment 16/05/2002	C-2001/142					Termination
1999/2076	E	24/07/2000	decision 26/06/2002						Ongoing
1999/2079	P	29/12/2000	8/05/2002	C-2002/171					Ongoing
1999/2126	D	21/12/2001							Ongoing
1999/4237	F	25/07/2001	12/11/2002	C-2002/402					Ongoing
2000/4520	NL	11/10/2001							Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Council Directive 92/100/EEC of 19 November 1992 on rental right and on certain rights related to copyright in the field of intellectual property									
1997/4602	UK	24/07/2000	18/12/2002	C-2002/458					Ongoing
1999/4643	DK	25/01/2002	17/12/2002 decision						Ongoing
2000/5123	B	21/12/2001	29/11/2002	C-2002/433					Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications									
1999/2065	D	27/06/2002							Ongoing
Council Directive 93/22/EEC of 10 May 1993 on investment services in the securities field									
2000/4854	E	21/03/2002	17/12/2002 decision						Ongoing
Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts									
1998/5040	E	21/12/2001							Ongoing
1999/5076	D	20/04/2001							Ongoing
2000/2219	UK	27/06/2002							Ongoing
2000/4039	I	26/07/2001							Termination
2000/4435	D	18/10/2002							Ongoing
2001/4814	FI	19/12/2002							Ongoing
Council Directive 93/37/EEC of 14 June 1993 concerning the coordination of procedures for the award of public works contracts									
1997/4134	I	21/12/2001							Termination
1997/4493	E	25/08/1999	18/07/2000	C-2000/283					Ongoing
1998/4420	D	30/01/2001							Termination
1998/5040	E	21/12/2001							Ongoing
1999/2246	I	19/12/2002							Ongoing
2000/2219	UK	27/06/2002							Ongoing
2000/2290	I	21/12/2001	28/10/2002	C-2002/385					Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
2000/4718	I	19/12/2002							Ongoing
2002/5137	E	18/07/2002							Ongoing
Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors									
1998/4905	D	6/03/2000	16/01/2001 decision	C-2001/020					Ongoing
1999/5157	D	25/07/2001	17/12/2002						Ongoing
2000/4882	EL	21/12/2001	15/11/2002	C-2002/407					Ongoing
2000/5147	EL	21/12/2001							Termination
2001/4424	S	24/10/2002							Ongoing
Health and consumer protection									
Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat									
1999/2247	F	16/12/1999	judgment 13/12/2001	C-2000/001	21/03/2002	26/06/2002	action withdrawn	C-2002/274	Termination
1999/4183	S	21/12/2001	decision 17/12/2002						Ongoing
Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat									
1997/2138	UK	24/11/2000	suspended						Termination
2000/2269	F	4/07/2002							Ongoing
Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries									
1995/2011	EL	13/03/1998	judgment 15/06/2000	C-1998/470					Ongoing
Council Directive 85/73/EEC of 29 January 1985 on the financing of health inspections and controls of fresh meat and poultrymeat									

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1994/2181	EL	19/08/1997	judgment 16/11/2000	C-1998/214					Ongoing
1995/2011	EL	13/03/1998	judgment 15/06/2000	C-1998/470					Ongoing
Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in Intra-Community trade with a view to the completion of the internal market									
1999/2247	F	16/12/1999	judgment 13/12/2001	C-2000/001	21/03/2002	26/06/2002	action withdrawn	C-2002/274	Termination
1999/4183	S	21/12/2001	decision 17/12/2002						Ongoing
Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries									
1995/2011	EL	13/03/1998	judgment 15/06/2000	C-1998/470					Ongoing
Council Directive 92/116/EEC of 17 December 1992 amending and updating Directive 71/118/EEC on health problems affecting trade in fresh poultrymeat									
2000/2269	F	4/07/2002							Ongoing
Council Directive 93/118/EEC of 22 December 1993 amending Directive 85/73/EEC on the financing of health inspections and controls of fresh meat and poultrymeat									
1994/2181	EL	19/08/1997	judgment 16/11/2000	C-1998/214					Ongoing
1995/2011	EL	13/03/1998	judgment 15/06/2000	C-1998/470					Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Council Directive 94/65/EC of 14 December 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations									
1999/4183	S	21/12/2001	decision 17/12/2002						Ongoing
Taxation and customs union									
Council Directive 69/335/EEC of 17 July 1969 concerning indirect taxes on the raising of capital									
1991/2193	EL	23/02/1996	judgment 19/03/2002	C-1998/426					Ongoing
1999/4441	I	4/07/2002	decision 17/12/2002						Ongoing
1998/2320	B	26/01/2000	19/11/2002	C-2002/415					Ongoing
Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes - Common system of value added tax: uniform basis of assessment									
1988/0202	UK	10/08/1989	judgment 12/09/2000	C-1997/359	21/03/2002	18/07/2002			Ongoing
1992/4607	F	10/04/1996	judgment 25/01/2001	C-1997/429					Termination
1993/2229	D	23/03/1998	judgment 15/10/2002	C-1998/427					Ongoing
1994/2099	UK	14/10/1998	decision 20/12/2001						Ongoing
1994/2100	NL	22/09/1997	judgment 8/11/2001	C-1998/338	1/07/2002				Termination
1994/2290	NL	25/07/2001							Ongoing
1996/2124	D	25/07/2001							Ongoing
1996/2187	B	25/07/2001							Ongoing
1997/2156	FI	4/11/1998	judgment 07/03/2002	C-2000/169	25/10/2002				Ongoing
1997/2172	E	10/08/1998	judgment 18/01/2001	C-1999/083					Termination

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
1997/4365	I	9/07/1999	judgment 25/10/2001	C-2000/078	27/06/2002				Termination
1998/2103	F	10/03/1999	judgment 14/06/2001	C-1999/345					Termination
1998/2133	D	3/09/1999	17/04/2002	C-2002/144					Ongoing
1998/2137	FI	19/07/1999	21/12/2001	C-2001/495					Ongoing
1998/2138	I	30/07/1999	4/10/2001	C-2001/381					Ongoing
1998/2232	D	26/08/1999	judgment 20/06/2002	C-2000/287					Ongoing
1998/2141	S	6/08/1999	23/12/2002	C-2002/463					Ongoing
1998/4401	F	19/07/1999	judgment 14/06/2001	C-2000/040					Termination
1998/4747	D	24/01/2000	22/03/2002	C-2002/109					Ongoing
1999/2069	L	26/07/2001							Termination
1999/2121	A	23/10/2001							Ongoing
1999/2193	F	13/06/2000	5/10/2001	C-2001/384					Ongoing
1999/2235	E	26/09/2000	action withdrawn	C-2001/143					Termination
1999/4441	I	4/07/2002	decision 17/12/2002						Ongoing
1999/5246	E	27/06/2002	decision 17/12/2002						Ongoing
2000/2033	E	18/09/2000	action withdrawn	C-2001/144					Termination
2000/4017	F	21/12/2001; 27/06/2002	decision 17/12/2002						Ongoing
2000/5101	E	19/12/2002							Ongoing
2001/4231	EL	21/12/2001							Termination
2001/4662	EL	19/12/2002							Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
2001/5209	B	27/06/2002	decision 17/12/2002						Ongoing
Eighth Council Directive 79/1072/EEC of 6 December 1979 on the harmonization of the laws of the Member States relating to turnover taxes -- Arrangements for the refund of value added tax to taxable persons: not established in the territory of the country									
1998/4632	I	26/04/2002	decision 17/12/2002						Ongoing
1999/2121	A	23/10/2001							Ongoing
Council Directive 83/183/EEC of 28 March 1983 on tax exemptions applicable to permanent imports from a Member State of the personal property of individuals									
1999/5165	EL	27/06/2002	decision 17/12/2002						Ongoing
2000/5116	DK	19/12/2002							Ongoing
Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products									
1997/2251	I	12/11/1999	12/11/2001	C-2001/437					Ongoing
1999/2052	B	27/06/2002							Ongoing
Council Directive 92/77/EEC of 19 October 1992 supplementing the common system of value added tax and amending Directive 77/388/EEC (approximation of VAT rates)									
1994/2178	P	10/06/1997	judgment 8/03/2001	C-1998/276					Termination

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent EC	Referral 226 EC	Case	LET 228 sent	RO 228 sent EC	Referral 228 EC	Case	Status on 31/12/2002
Council Directive 92/79/EEC of 19 October 1992 on the approximation of taxes on cigarettes									
1998/4061	F	26/01/1999	judgment 27/02/2002	C-2000/302	27/06/2002	19/12/2002			Ongoing
Council Directive 92/81/EEC of 19 October 1992 on the harmonization of the structures of excise duties on mineral oils									
1997/2071	FI	6/08/1998	17/05/2000	C-2000/185					Ongoing
1999/2051	D	13/03/2000	1/06/2001	C-2001/240					Ongoing
Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils									
1997/2071	FI	6/08/1998	17/05/2000	C-2000/185					Ongoing
1997/2251	I	12/11/1999	12/11/2001	C-2001/437					Ongoing
Council Directive 92/83/EEC of 19 October 1992 on the harmonization of the structures of excise duties on alcohol and alcoholic beverages									
1997/4099	EL	10/08/1999	6/12/2001	C-2001/475					Ongoing
Council Directive 94/5/EC of 14 February 1994 supplementing the common system of value added tax and amending Directive 77/388/EEC - Special arrangements applicable to second-hand goods, works of art, collectors' items and antiques									
1995/4689	UK	3/08/2000	decision 20/12/2001						Ongoing
Council Directive 95/59/EC of 27 November 1995 on taxes other than turnover taxes which affect the consumption of manufactured tobacco									
1998/4061	F	26/01/1999	judgment 27/02/2002	C-2000/302	27/06/2002	19/12/2002			Ongoing

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2002
Energy and transport									
Council Directive 91/439/EEC of 29 July 1991 on driving licences									
1999/5019	DK	26/07/2001	decision	20/03/2002					Termination
Council Directive 93/76/EEC of 13 September 1993 to limit carbon dioxide emissions by improving energy efficiency (SAVE)									
2000/2254	IR	23/10/2001							Ongoing
2000/2255	L	23/10/2001	20/12/2002	C-2002/461					Ongoing
Council Directive 93/89/EEC of 25 October 1993 on the application by Member States of taxes on certain vehicles used for the carriage of goods by road and tolls and charges for the use of certain infrastructures									
1996/2059	A	13/01/1997	judgment	26/09/2000	21/12/2001	C-1998/205			Ongoing
Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control)									
2000/2276	F	19/09/2001	4/12/2002	C-2002/439					Ongoing
2000/2277	IR	19/09/2001	2/12/2002	C-2002/436					Ongoing
Council Directive 98/93/EC of 14 December 1998 amending Directive 68/414/EEC imposing an obligation on Member States of the EEC to maintain minimum stocks of crude oil and/or petroleum products									
2001/2184	EL	23/10/2002							Ongoing

ANNEX V

**Judgments of the Court of Justice up to
31.12.2002
and
not yet implemented**

Belgium

Judgment given on 21.1.1999, Case C-207/97

Failure to notify programmes to reduce pollution caused by certain dangerous substances discharged into the aquatic environment of the Community

Article 228 proceedings are continuing.

The Belgian authorities have notified the Commission of a Walloon Ministerial Order dated 12.9.2002 and of information concerning the results of the reduction measures and programmes of the Brussels-Capital Region, which are now under scrutiny.

Judgment given on 14.9.1999, Case C-171/98

Cargo-sharing arrangements in bilateral agreement between the BLEU and Togo.

The additional protocol concluded by Belgium and the Togo authorities is not yet in force. But contacts are continuing so as to settle the case quickly.

Judgment given on 9.3.2000, Case C-355/98

Restrictions in the field of private security firms.

Contacts are continuing with the Belgian authorities for a detailed legal analysis of the amendments made to bring Belgian legislation into line with the Court's judgment.

Judgment given on 25.5.2000, Case C-307/98

Partial compliance with legislation on the quality of bathing water

In December 2002 the Belgian authorities reported on progress with their measures, which do not substantially modify the infringement situation. Article 228 proceedings are continuing.

Judgment given on 14.6.2001, Case C-230/00

Impact, tacit authorisation, non-conformity of Belgian legislation transposing Council Directive 75/442/EEC on waste, as amended by Directives 91/156, 76/464, 80/68, 84/360 and 85/337.

Article 228 proceedings have been commenced. But the Belgian authorities have notified the Commission of Orders that came into force on 1 January 2002, repealing the provisions criticised. The case will probably be terminated very soon.

Judgment given on 3.7.2001, Case C-378/98

Maribel bis/ter aid schemes

Article 228 proceedings have been commenced and are continuing. The Belgian authorities stand by their view on the *de minimis* question.

Judgment given on 17.1.2002, Case C-423/00

Failure to notify measures transposing Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances

The Belgian authorities have notified the Commission of several legislative measures to complete the transposal process. The case will probably be terminated very soon.

Judgment given on 6.6.2002, Case C-274/01

Failure to notify measures transposing Council Directive 98/76/EC amending Directive 96/26/EC on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations

The Belgian authorities have reported that the Cabinet approved a Royal Decree of 8 November 2002 on the transport of passengers by road. The Commission is awaiting official notification of the Decree.

Judgment given on 19.9.2002, Case C-221/01

National legislation not in conformity with Parliament and Council Directive 97/33/EC (interconnection).

The Commission has contacted the Belgian authorities to ascertain what measures are planned to comply with the Court's judgment.

Judgment given on 5.11.2002, Case C-471/98

Open sky agreements with the United States.

The Commission has contacted the Belgian authorities and asked them to activate the denunciation clauses in the agreements with the United States as required by the judgment of the Court of Justice.

Judgment given on 19.11.2002, Case C-319/01

Failure to notify measures transposing Council Directive 97/11/EC amending Directive 85/337/EEC on the assessment of the effects of certain public or private projects on the environment

The Commission has contacted the Belgian authorities to ascertain what measures are planned to comply with the Court's judgment.

Judgment given on 5.12.2002, Case C-324/01

Belgian legislation not in conformity with several provisions of Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora

Recent judgment.

Denmark

Judgment given on 5.11.2002, Case C-467/98

Open sky agreements with the United States.

The Commission has contacted the Danish authorities and asked them to activate the denunciation clauses in the agreements with the United States as required by the judgment of the Court of Justice.

Germany

Judgment given on 8.6.1999, Case C-198/97

Quality of bathing water

The Article 228 proceeding continued on account of the data for the 2001 bathing season.

Judgment given on 8.3.2001, Case C-316/99

Failure to notify national measures transposing Council Directive 96/43/EC amending and consolidating Directive 85/73/EEC on the financing of veterinary inspections and controls on live animals and certain animal products

Progress is apparently being made, but the case should be examined in the light of a proposal to repeal Directive 85/73/EEC now in preparation.

Judgment given on 11.9.2001, Case C-71/99

Failure to transmit the full national list of habitats provided for in Article 4 of Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora.

In January 2002 the German authorities notified legislation which is now being examined by the Commission.

Judgment given on 25.10.2001, Case C-493/99

Hiring out of workers within a group

Article 228 proceedings have been commenced.

Judgment given on 14.3.2002, Case C-161/00

National transposal legislation not in conformity with Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources

Article 228 proceedings have been commenced.

Judgment given on 20.6.2002, Case C-287/00

Incorrect application of Article 2(1) of the sixth VAT Directive 77/388/EEC – exemption for research activities.

The Commission has contacted the German authorities to ascertain what measures are planned to comply with the Court's judgment.

Judgment given on 15.10.2002, Case C-427/98

Incorrect application of Article 11 of the sixth VAT Directive 77/388/EEC – goods purchased at reduced prices with vouchers.

The Commission has contacted the German authorities to ascertain what measures are planned to comply with the Court's judgment.

Judgment given on 5.11.2002, Case C-476/98

Open sky agreements with the United States.

The Commission has contacted the German authorities and asked them to activate the denunciation clauses in the agreements with the United States as required by the judgment of the Court of Justice.

Judgment given on 5.11.2002, Case C-325/00

Incorrect application of Article 28 of Council Directive 79/112/EC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer, quality controls, affiliation to the CMA

Recent judgment.

Greece

Judgment given on 23.10.1997, Case C-375/95

Taxes on second-hand cars

The Greek authorities have replied to the supplementary letter of formal notice. They state that a wide-ranging reform of the tax system is under way. The Commission is maintaining contacts to obtain detailed information on progress in the legislative procedure and the timing.

Judgment given on 15.10.1998, Case C-385/97

Failure to notify national measures transposing Council Directive 93/118/EC on the financing of health inspections and controls of fresh meat and poultrymeat

A decision as to whether or not to continue proceedings will have to be taken in the light of a proposal to repeal Directive 85/73/EEC which is in preparation.

Judgment given on 16.12.1999, Case C-137/99

Failure to notify measures transposing Council Directive 96/43/EEC amending Directive 91/496/EEC laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries

A decision as to whether or not to continue proceedings will have to be taken in the light of a proposal to repeal Directive 85/73/EEC which is in preparation.

Judgment given on 25.5.2000, Case C-384/97

Failure to notify programmes to reduce pollution caused by certain dangerous substances discharged into the aquatic environment of the Community

The Greek authorities have presented a draft programme designed to comply with the Court's judgment and a timetable for its adoption. The Commission is awaiting implementation of these measures.

Judgment given on 15.6.2000, Case C-470/98

Veterinary fees for products of agricultural origin from non-Community countries

A decision as to whether or not to continue proceedings will have to be taken in the light of a proposal to repeal Directive 85/73/EEC which is in preparation.

Judgment given on 16.11.2000, Case C-214/98

Fees charged for health inspections and checks on fresh meat

A decision as to whether or not to continue proceedings will have to be taken in the light of a proposal to repeal Directive 85/73/EEC which is in preparation.

Judgment given on 11.10.2001, Case C-457/99

Failure to notify measures implementing Council Directive 95/69/EC laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector

In December 2002 the Greek authorities notified the national measures transposing the Directive.

The case will probably be terminated very soon.

Judgment given on 6.12.2001, Case C-166/00

Failure to notify measures to transpose Council Directive 97/41/EC relating to the fixing of maximum levels for pesticide residues, Commission Directive 98/51/EC concerning arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector, and Commission Directive 98/67/EC

Article 228 proceedings have been commenced and are continuing.

Judgment given on 30.1.2002, Case C-103/00

National legislation not in conformity with Council Directive 92/43/EEC, no measures to protect the Caretta-caretta tortoise on the island of Zante.

The information supplied by the Greek authorities reveals that the legislation to protect the Caretta and the practical protection measures are inadequate.

Article 228 proceedings have been commenced.

Judgment given on 7.3.2002, Case C-64/01

Failure to notify measures transposing Council Directive 96/61/EEC concerning integrated pollution prevention and control

The Greek authorities have notified the Commission of Act 3010/02 amending the General Environment Act and ministerial decision 15393/2332/5.8.02, which specifies the activities for which integrated prevention and control measures are required.

Scrutiny of the legislative, regulatory and administrative measures notified reveals that they do not fully give effect to the judgment.

Article 228 proceedings have been commenced.

Judgment given on 19.3.2002, Case C-426/98

Incorrect application of Council Directive 69/335/EEC concerning indirect taxes on the raising of capital (capital duty).

The Commission has contacted the Greek authorities to ascertain what measures are planned to comply with the Court's judgment.

On 7.11.2002 they notified an Act passed on 13.9.2002 which implements the Court's judgment.

The case will probably be terminated very soon.

Judgment given on 13.6.2002, Case C-33/01

National legislation not in conformity with Council Directive 91/689/EC on hazardous waste.

The Commission has contacted the Greek authorities to ascertain what measures are planned to comply with the Court's judgment.

The Greek authorities' reply provides information on new establishments and is under scrutiny.

Judgment given on 4.7.2002, Case C-173/01

Failure to notify measures implementing Council Directive 1999/20/EC amending Directives 70/524/EEC concerning additives in feedingstuffs, 82/471/EEC concerning certain products used in animal nutrition, 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition and 95/69/EC laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector

Article 228 proceedings have been commenced.

The Greek authorities have notified the Commission of Act 364/2002, which transposes the Directive into national law.

The case will probably be terminated very soon.

Spain

Judgment given on 22.3.1994, Case C-375/92

Restrictions on freedom to provide services as tourist guides

Article 228 proceedings have been commenced. By letter dated 9.12.2002, the Spanish authorities notified the Commission of the definitive legislation for Andalusia. The case will probably be terminated very soon.

Judgment given on 12.2.1992, Case C-92/96 2nd referral: C-278/01

Incorrect application of Council Directive 76/160/EEC concerning the quality of bathing water as regards inland waters

The case was been referred to the Court under Article 228(2) in July 2001. Referral was accompanied by an application for penalties.

Judgment given on 25.11.1998, Case C-214/96

Incorrect application of Council Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (Article 7: pollution reduction programmes).

In November 2001 the Spanish authorities sent a large amount of information which the Commission is still examining.

Judgment given on 13.9.2001, Case C-417/99

Failure to notify measures transposing Council Directive 96/62/EC on ambient air quality assessment and management.

By letter dated 19.2.2002 the Spanish authorities notified measures to implement the Court's judgment. The Commission has maintained contacts to ensure that the measures are sufficient to come into line with the Court's judgment.

Judgment given on 16.5.2002, Case C-232/99

Implementing measures not in conformity with Council Directive 93/16/EEC on the mutual recognition of medical qualifications

The Commission has contacted the Spanish authorities to ascertain what measures are planned to comply with the Court's judgment.

Judgment given on 11.7.2002, Case C-139/00

Failure to notify measures transposing Council Directive 89/369/EEC on prevention of atmospheric pollution from new municipal waste incinerators (La Palma, Canaryes)

The Commission has contacted the Spanish authorities to ascertain what measures are planned to comply with the Court's judgment.

Judgment given on 28.11.2002, Case C-414/01

Failure to notify measures transposing Parliament and Council Directive 97/7/EC on the protection of consumers in respect of distance contracts

In December 2002 the Spanish authorities notified the legislation transposing the Directives into national law. The case will probably be terminated very soon.

France

Judgment given on 11.6.1991, Case C-64/88, 2nd referral: C-304/02

Fisheries: inadequate enforcement of technical conservation measures

The case was been referred to the Court under Article 228(2) in August 2002. Referral was accompanied by an application for penalties.

Judgment given on 9.12.1997, Case C-265/95

Barriers to imports of Spanish strawberries

On 9.9.2002 the French authorities wrote to the Commission.
The Commission is working on an analysis of the situation.

Judgment given on 18.3.1999, Case C-166/97

Failure to classify an area of the Seine Estuary as an SPA and incomplete protection measures

In March 2002 the French authorities replied to the reasoned opinion sent to them. The reply is being scrutinised by the Commission

Judgment given on 25.11.1999, Case C-96/98

Deterioration of the Marais Poitevin

In August 2002 the French authorities replied to the reasoned opinion, with additional replies on 18 and 20.11.2002, all of which are being examined by the Commission.

Judgment given on 16.12.1999, Case C-239/98, 2nd referral: C-261/02

Incorrect transposal of Council Directives 92/49/EEC and 92/96/EEC on direct assurance other than life assurance and direct life assurance (third insurance Directives)

Since the transposal measures announced by the French authorities have not yet been adopted, the case has been referred to the Court under Article 228(2) of the Treaty.
Referral was accompanied by an application for penalties.

Judgment given on 23.3.2000, Case C-327/98

Failure to notify national measures implementing Council Directive 93/15/EEC on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses

The decision has been taken to pursue the Article 228 procedure.

The Commission is examining a Decree sent by the French authorities on 26.6.2002.

Judgment given on 7.12.2000, Case C-374/98

Failure to classify a site as an SPA and inadequate conservation measures at Vingrau and Tautavel (Pyrénées Orientales)

In February 2002 the French authorities replied to the reasoned opinion sent to them. The reply is being scrutinised by the Commission

Judgment given on 7.12.2000, Case C-38/99

Opening and closing dates for hunting that are incompatible with the requirements of Council Directive 79/409/EEC on the conservation of wild birds

On 30.7.2002 and 11.9 2002 the French authorities notified new regulations on the open and close for hunting which are now under scrutiny at the Commission.

Judgment given on 1.2.2001, Case C-333/99

Failure to fulfil the obligation to manage quotas and control fishing activities

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

The French authorities' reply does not make adequately clear the measures taken to this end.

Judgment given on 8.3.2001, Case C-266/99

Pollution of surface water intended for the abstraction of drinking water by nitrates in Brittany

The French authorities have replied to the letter of formal notice sent to them, with an additional reply on 19.11.2002, now under scrutiny at the Commission.

Judgment given on 15.3.2001, Case C-147/00

Incorrect application of Council Directive 76/160/EEC concerning the quality of bathing water with particular reference to the failure to conduct sampling operations according to the minimum frequency required and the lack of sampling for the compulsory "total coliform" parameter

In August 2002 the French authorities notified data on bathing waters for 1999 and 2002, now being examined by the Commission.

Judgment given on 10.5.2001, Case C-285/00

Failure to transpose Council Directive 89/48/EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration, in the case of the profession of psychologist

Article 228 proceedings have been commenced and are continuing.

Judgment given on 11.9.2001, Case C-220/99

Failure to transmit the full national list of sites in accordance with Article 4(1) of Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora

Between June and October 2002 the French authorities notified additional lists of special conservation and protection areas, now being examined by the Commission.

Judgment given on 6.12.2001, Case C-146/00

Universal service. Non-conformity of legislation with Article 4c of Commission Directive 90/388/EEC on competition in the markets for telecommunications services and Article 5(1), (3), (4) and (5) of Directive 97/33/EC of the European Parliament and of the Council on interconnection and interoperability

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

On 20.3.2002 the French authorities notified a draft decree amending the current provisions. The decree is still in preparation.

Judgment given on 27.2.2002, Case C-302/00

Incorrect application of Council Directive 92/79/EEC on the approximation of taxes on cigarettes, and Council Directive 95/59/EC on taxes other than turnover taxes which affect the consumption of manufactured tobacco.

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

No definitive legislative measures having been taken to abolish the offending provisions, Article 228 proceedings have been commenced and are continuing.

Judgment given on 25.4.2002, Case C-52/00

National legislation not in conformity with Council Directive 85/374/EC concerning liability for defective products.

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

On 3.10.2002 they replied that appropriate amendments had been planned. But no actual instrument is yet available and no timetable has been sent.

Judgment given on 2.5.2002, Case C-292/99

National legislation not in conformity with certain provisions of Council Directives 75/442/EEC and 91/689/EEC and Parliament and Council Directive 94/62/EC on waste disposal plans.

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

The Commission is examining the reply sent by the French authorities on 6.11.2002.

Judgment given on 4.6.2002, Case C-483/99

Procedure for authorising the crossing of investment thresholds - Elf-Aquitaine golden share

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

Judgment given on 6.6.2002, Case C-177/01

National legislation not in conformity with Article 4(1) and 11 of Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT).

Article 228 proceedings have been commenced as no national plan for the disposal and decontamination of devices containing PCBs and PCTs has been notified.

Judgment given on 13.6.2002, Case C-286/01

Failure to notify national provisions transposing Directive 98/10/EC of the European Parliament and of the Council on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment

The Commission will shortly be contacting the French authorities to ascertain what measures are planned to comply with the Court's judgment.

Judgment given on 18.6.2002, Case C-60/01

National legislation not in conformity with Council Directives 89/369/EEC and 89/429/EEC on the prevention of air pollution from new municipal waste incineration plants.

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

The Commission is examining the reply sent by the French authorities on 17.9.2002.

Judgment given on 27.6.2, Case C-258/00

National transposal legislation not in conformity with Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

Their reply is being examined.

Judgment given on 12.9.2002, Case C-152/00

Partial failure to notify and partial non-conformity of national legislation with Council Directive 86/609/EEC on the protection of animals used for experimental and other scientific purposes

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

Their reply is being examined.

Judgment given on 26.9.2002, Case C-351/01

Failure to notify measures transposing Parliament and Council Directive 98/5/EC to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained.

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

Their reply is being examined.

Judgment given on 7.11.2002, Case C-348/01

Failure to notify measures transposing Council Directive 97/11/EC amending Directive 85/337/EEC on the assessment of the effects of certain public or private projects on the environment

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

Judgment given on 26.11.2002, Case C-202/01

National legislation not in conformity with Council Directive 79/409/EC on the conservation of wild birds – inadequate designation of special protection areas.

Recent judgment.

Judgment given on 28.11.2002, Case C-259/01

Failure to notify measures transposing Parliament and Council Directive 98/30/EC concerning common rules for the internal market in natural gas

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

Ireland

Judgment given on 21.9.1999, Case C-392/96

Non-conformity of Irish legislation with various provisions of Council Directive 85/337/EEC on the assessment of the effects of certain public or private projects on the environment

It is clear from the information and timetable notified by the Irish authorities that the measures taken to give effect to the Court's judgment remain inadequate as regards the extraction of peat in sensitive areas.

The decision has been taken to refer the case to the Court under Article 228(2) of the Treaty.

It will be accompanied by a request for a penalty payment.

Judgment given on 11.9.2001, Case C-67/99

Failure to notify the full national list of habitats provided for in Article 4(1) of Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora

The results of the biogeographical conference for the Atlantic region (5-7.6.2002) show that the list proposed by the Irish authorities to give effect to the Court's judgment remain inadequate.

Judgment given on 18.10.2001, Case C-354/99

Non-conformity of national legislation with Council Directive 86/609/EEC on the protection of animals used for experimental and other scientific purposes

Article 228 proceedings have been commenced and are continuing.

In December 2002 the Irish authorities notified measures which are now being examined by the Commission.

Judgment given on 19.3.2002, Case C-13/02

Failure to ratify Paris Act (1971) (Bern Convention)

The Commission has contacted the Irish authorities to ascertain what measures are planned to comply with the Court's judgment.

As the Irish authorities did not reply within the time allowed, Article 228 proceedings have been commenced.

Judgment given on 13.6.2002, Case C-117/00

National legislation not in conformity with Council Directives 79/409/EEC and 92/43/EEC, deterioration of natural habitats in the Owenduff-Nephin Beg Complex special protection zone, caused by excessive grazing of sheep.

The Commission has contacted the Irish authorities to ascertain what measures are planned to comply with the Court's judgment.

Their reply is being examined.

Judgment given on 15.10.2002, Case C-327/01

Failure to notify measures implementing Council Directive 98/20/EC amending Directive 92/14/EEC on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988).

The Commission has contacted the Irish authorities to ascertain what measures are planned to comply with the Court's judgment.

Judgment given on 15.10.2002, Case C-328/01

Failure to notify measures transposing Commission Directive 1999/28/EC of 21 April 1999 amending the Annex to Council Directive 92/14/EEC on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988)

The Commission has contacted the Irish authorities to ascertain what measures are planned to comply with the Court's judgment.

Judgment given on 14.11.2002, Case C-316/00

National legislation not in conformity with Council Directive 80/778/EC relating to the quality of water intended for human consumption.

Recent judgment.

Judgment given on 10.12.2002, Case C-362/01

Failure to notify measures transposing Parliament and Council Directive 98/5/EC to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained.

Recent judgment.

Judgment given on 1.6.1995, Case C-40/93

Access to the profession of dentist

The Commission is awaiting the actual organisation of the aptitude test, which should take place shortly.

According to unofficial information dating from October 2002, the courses are to begin in the 20 universities concerned.

Progress.

Judgment given on 29.1.1998, Case C-280/95

Failure to comply with Decision 93/496/EEC of 9 June 1993 on the obligation to recover tax aid granted to professional road hauliers for 1992

The Italian authorities have notified Legislative Decree 36 of 20 March 2002, converted into Act 96 of 17 May 2002, establishing rules for the reimbursement of the relevant aids and setting the time-limit for doing so at 48 months instead of 24.

The Commission has received a reply from the Italian authorities explaining the reasons for this extension.

The reply is being examined.

Judgment given on 1.10.1998, Case C-285/96

Incorrect application of Council Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (Article 7: pollution reduction programmes).

The Italian authorities replied to the supplementary letter of formal notice on 1.3.2002.

The reply is being examined.

Judgment given on 9.3.2000, Case C-386/98, 2nd referral: C-57/03

Failure to notify national measures implementing Council Directive 93/104/EC concerning certain aspects of the organisation of working time

The Italian authorities have sent the text of the Legge comunitaria 2001, which states their commitment to transposing the Directive in the short term.

The decision has been taken to refer the case to the Court under Article 228(2) of the Treaty as no measures have actually been notified.

It is accompanied by a request for a penalty payment.

Judgment given on 8.6.2000, Case C-264/99

Legislative barriers to the activities of hauliers

The Italian authorities notified the Commission of a draft Regulation to simplify entry in the register of hauliers, which was to be ready by September/October 2002. In the absence of satisfactory evidence of progress in fact or in procedure, the Article 228 proceedings continued.

Judgment given on 26.6.2001, Case C-212/99

Discrimination against foreign-language assistants

Fresh complaints having been received, Article 228 proceedings were commenced and continued.

The Commission are continuing contacts with the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

Judgment given on 8.11.2001, Case C-127/99

Failure to establish action programmes for vulnerable zones, to carry out full monitoring and to produce the reports required by Council Directive 91/676/EEC on the protection of waters against pollution caused by nitrates from agricultural sources

Article 228 proceedings have been commenced.

The reply from the Italian authorities dated 4.9.2002 is being examined.

Judgment given on 15.11.2001, Case C-49/00

Non-conformity of national legislation transposing Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work

By letter dated 8.5.2002 the Italian authorities notified new legislation which, after scrutiny, turned out to be inadequate to give effect to the Court's judgment.

The Commission still awaits notification of the planned timetable for the adoption of the legislative decree.

Article 228 proceedings have been commenced.

Judgment given on 29.11.2001, Case C-202/99

Incorrect transposal of Council Directives 76/686/EEC and 78/687/EEC concerning the mutual recognition of diplomas and the activities of dental practitioners, respectively

The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

By letter dated 22.4.2002 the Italian authorities notified the draft Legge comunitaria 2002 which, once enacted, will be adequate to give effect to the Court's judgment.

The Commission is awaiting information on the enactment of this Act and notification of the final text.

Judgment given on 15.1.2002, Case C-439/99

Italian rules on fairs and exhibitions.

Certain provisions of three State decrees and the legislation of five regions and an autonomous province remain incompatible with the EC Treaty.

The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

Judgment given on 24.1.2002, Case C-372/99

National legislation not in conformity with Council Directive 93/13/EC on unfair terms in consumer contracts.

The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

In their reply dated 5.8.2002, the Italian authorities refer to a Bill to amend section 1469 sexies of the Civil Code.

But the bill has not yet passed into law.

Article 228 proceedings have been commenced.

Judgment given on 24.1.2002, Case C-466/99

National legislation not in conformity with certain provisions of Council Directives 75/442/EEC, as amended by Council Directives 91/156/EEC and 91/689/EEC and Parliament and Council Directive 94/62/EC on waste disposal plans.

It emerges from an analysis of the reply from the Italian authorities that the management plan for Sicily has still not been notified and that the plan for Basilicata is incomplete and has not been formally adopted.

Article 228 proceedings have been commenced.

Judgment given on 7.2.2002, Case C-279/00

Temporary employment agencies.

The Commission has contacted the Italian authorities to ascertain whether the new Finance Act for 2001 (No 388 of 23.12.2000) meets the requirements of the Court's judgment concerning the discriminatory restriction based on establishment.

As the Italian authorities have not replied, Article 228 proceedings have been commenced.

Judgment given on 19.2.2002, Case C-295/00

Freedom to provide services - tax on embarkation and disembarkation of passengers

The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

In their reply the Italian authorities notified section 16 of Act 422 of 29.12.2000, which provides for the abolition of the offending tax.

Progress.

Judgment given on 27.2.2002, Case C-46/01

National legislation not in conformity with Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT).

The list sent by the Italian authorities is inadequate in relation to Articles 4(1) and 11 of the Directive.

Article 228 proceedings have been commenced.

Judgment given on 7.3.2002, Case C-145/99

Prohibition on lawyers from other Member States who wish to provide services in Italy opening chambers.

The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

On 21.6.2002 the Italian authorities notified a Bill to put an end to the first point of dispute (infrastructure) and a draft ministerial decree to put an end to the third (transposal).

The Commission is awaiting notification of the actual texts.

Judgment given on 19.3.2002, Case C-224/00

Discriminatory penalties imposed on a German citizen

The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

The Italian authorities have notified a draft amendment of the Codice della Strada which still discriminates against drivers of vehicles not registered in the European Union.

Judgment given on 21.3.2002, Case C-298/99

Incorrect application of Council Directive 85/384/EEC on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture.

The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

On 2.5.2002 the Italian authorities notified a Bill to put an end to the infringement.

The Commission is awaiting information about the date of entry into force of some of its provisions.

Judgment given on 25.4.2002, Case C-396/00

National legislation not in conformity with Council Directive 91/271/EC concerning urban waste-water treatment.

The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

Analysis of the Italian authorities' reply dated 12.9.2002 reveals that treatment plants are not yet operational and that the schedule is not reliable.

Judgment given on 30.5.2002, Case C-323/01

National legislation not in conformity with Commission Directive 98/101/EC on batteries and accumulators containing certain dangerous substances.

Analysis of the information supplied by the Italian authorities reveals that the measures announced to comply with the Court's judgment have not been adopted.

Article 228 proceedings have been commenced.

Judgment given on 24.10.2002, Case C-455/00

Failure to notify measures transposing Council Directive 90/270/EEC on safety and health requirements for work with display screen equipment

Recent judgment.

Luxembourg

Judgment given on 11.6.1998, Case C-206/96

Absence of pollution-reduction programmes regarding 99 substances on list II in the Annex to Council Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community

Article 228 proceedings are continuing. In October 2002, the Luxembourg authorities notified a draft regulation, but they did not specify the schedule for its adoption.

Judgment given on 8.3.2001, Case C-266/00

Incorrect application of Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources

The reply from the Luxembourg authorities is highly incomplete and none of the objections can be dropped.

Article 228 proceedings have been commenced.

Judgment given on 15.1.2002, Case C-196/01

National legislation not in conformity with Commission Directive 94/3/EC establishing a list of wastes.

The Commission has contacted the Luxembourg authorities to ascertain what measures are planned to comply with the Court's judgment.

In the absence of any reply, Article 228 proceedings have been commenced.

Judgment given on 19.2.2002, Case C-366/00

Failure to notify measures transposing Council Directive 97/11/EC amending Directive 85/337/EEC on the assessment of the effects of certain public or private projects on the environment

The Commission has contacted the Luxembourg authorities to ascertain what measures are planned to comply with the Court's judgment.

Analysis of the reply from the Luxembourg authorities reveals that the transposal schedule has not been established.

Article 228 proceedings have been commenced.

Judgment given on 16.5.2002, Case C-372/01

Failure to notify measures transposing Parliament and Council Directive 98/8/EEC concerning the placing of biocidal products on the market

The Commission has contacted the Luxembourg authorities to ascertain what measures are planned to comply with the Court's judgment.

In the absence of a satisfactory reply and of actual transposal, Article 228 proceedings have been commenced.

Judgment given on 20.6.2002, Case C-299/01

Statutory entitlement to a guaranteed minimum income

In December 2002 the Luxembourg authorities notified the Act of 21.12.2001 abolishing the discriminatory condition.

The case will be terminated very soon.

Judgment given on 5.11.2002, Case C-472/98

Open sky agreements with the United States.

The Commission has contacted the Luxembourg authorities and asked them to activate the denunciation clauses in the agreements with the United States as required by the judgment of the Court of Justice.

Judgment given on 5.12.2002, Case C-174/01

Failure to notify plans or projects required by Article 11 of Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT).

Recent judgment.

The Netherlands

Judgment given on 10.5.2001, Case C-152/98

Pollution of the Schelde basin; incorrect application of Council Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community

The Dutch authorities have still not notified programmes. Article 228 proceedings have been commenced and are continuing.

Judgment given on 19.3.2002, Case C-268/00

National legislation not in conformity with Council Directive 76/160/EC on the quality of bathing waters.

The Commission has contacted the Dutch authorities to ascertain what measures are planned to comply with the Court's judgment.

The Dutch authorities have notified a plan of action and two schedules of provisional dates for the 2002 bathing season.

The Commission is awaiting transmission of final data.

Austria

Judgment given on 26.9.2000, Case C-205/98

Increase in tolls on the Brenner motorway

Article 228 proceedings are deferred to give the Commission time to examine the tolls determined by the Austrian authorities in response to the Court's judgment in the light of the new Directive 99/62/EC.

Judgment given on 14.6.2001, Case C-473/99

Failure to notify national measures transposing Commission Directive 95/30/EC adapting to technical progress Council Directive 90/679/EEC on the protection of workers from risks related to exposure to biological agents at work

The Austrian authorities notified legislative measures that were found to be inadequate.

Article 228 proceedings have been commenced.

Judgment given on 11.10.2001, Case C-110/00

Failure to notify national measures transposing Commission Directive 97/59/EC adapting to technical progress Council Directive 90/679/EEC on the protection of workers from risks related to exposure to biological agents at work

On 16.10.2002 the Austrian authorities notified information that is being analysed at the Commission in the light of the transposal of Directive 97/59/EC.

Judgment given on 27.11.2001, Case C-424/99

Transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of national health insurance systems

On 16.10.2002 the Austrian authorities notified measures taken to comply with the Court's judgment, now being analysed at the Commission.

Judgment given on 5.11.2002, Case C-475/98

Open sky agreements with the United States.

The Commission has contacted the Austrian authorities and asked them to activate the denunciation clauses in the agreements with the United States as required by the judgment of the Court of Justice.

Portugal

Judgment given on 13.7.2000, Case C-261/98

Incorrect application of Council Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (Article 7: pollution reduction programmes).

Article 228 proceedings are continuing. The Portuguese authorities have responded to the reasoned opinion sent to them and transmitted the programmes.

They are being examined by the Commission.

Judgment given on 26.6.2001, Case C-70/99

Discrimination as regards departure taxes and access for Community air carriers to intra-Community air routes

The Portuguese authorities have notified the Decret Regulamentar No 5 – A/2002 of 8.2.2002 on airport taxes.

Article 228 proceedings have been commenced regarding the part of the judgment not yet implemented (discriminatory security taxes).

In their reply dated 1.10.2002, the Portuguese authorities transmitted a draft Order that is to be adopted shortly.

Judgment given on 4.6.2002, Case C-367/98

Discrimination concerning foreign investment in privatised companies

The Commission has contacted the Portuguese authorities to ascertain what measures are planned to comply with the Court's judgment.

Finland

Judgment given on 7.3.2002, Case C-169/00

Incorrect application of the Sixth VAT Directive (Council Directive 77/388/EEC), VAT exemption for supplies and imports of works of art

Article 228 proceedings have been commenced.

By letter dated 20.12.2002 the Finnish authorities notified measures to implement the Court's judgment.

The case will probably be terminated very soon.

Judgment given on 5.11.2002, Case C-469/98

Open sky agreements with the United States.

The Commission has contacted the Finnish authorities and asked them to activate the denunciation clauses in the agreements with the United States as required by the judgment of the Court of Justice.

Sweden

Judgment given on 14.6.2001, Case C-368/00

Incorrect application of Council Directive 76/160/EEC concerning the quality of bathing water

As a number of sites were excluded there was a need for examination by the Commission's technical experts.

It was found that the Directive's requirements were not met as regards Articles 4(1) and 6(1).

Article 228 proceedings have been commenced.

Judgment given on 5.11.2002, Case C-468/98

Open sky agreements with the United States.

The Commission has contacted the Swedish authorities and asked them to activate the denunciation clauses in the agreements with the United States as required by the judgment of the Court of Justice.

United Kingdom

Judgment given on 12.9.2000, Case C-359/97

Failure to levy VAT on tolls on roads and bridges

As the British authorities have not transmitted draft instruments or timetables, Article 228 proceedings have been commenced and are continuing.

In reply to the reasoned opinion sent to them, the British authorities announce and amendment to the offending legislation for 1.2.2003.

Judgment given on 7.12.2000, Case C-69/99

Non-conformity of legislation on the protection of waters against pollution caused by nitrates from agricultural sources

The information supplied by the British authorities in response to the letter giving them formal notice is still insufficient to come into line with Articles 3(1) and 3(2) of the Directive.

Judgment given on 13.11.2001, Case C-427/00

Incorrect application of Council Directive 76/160/EEC concerning the quality of bathing water

The Commission has contacted the British authorities to ascertain what measures are planned to comply with the Court's judgment.

On 11.7.2002 the British authorities notified measures to implement the Court's judgment.

These measures will have to be assessed in the light of the results of the 2002 bathing season.

Judgment given on 24.1.2002, Case C-35/00

National legislation not in conformity with Council Directives 91/156EEC and 91/689/EEC and Parliament and Council Directive 94/62/EC on waste disposal plans.

The Commission has contacted the British authorities to ascertain what measures are planned to comply with the Court's judgment.

On 12.7.2002 the British authorities notified measures adopted for all regions.

But the Commission is awaiting more detailed information on the situation regarding sub-regional plans announced for England, Wales and Scotland.

Judgment given on 7.3.2002, Case C-39/01

National legislation not in conformity with Council Directive 96/61/EC concerning integrated pollution prevention and control.

Analyse of the measures notified by the British authorities shows that the measures announced will not enter into force before 2003.

Article 228 proceedings have been commenced.

Judgment given on 5.11.2002, Case C-466/98

Open sky agreements with the United States.

The Commission has contacted the British authorities and asked them to activate the denunciation clauses in the agreements with the United States as required by the judgment of the Court of Justice.

Judgment given on 14.11.2002, Case C-454/99

Failure to inspect, overfishing 1985-1986, 1988.

Recent judgment.

Judgment given on 14.11.2002, Case C-140/00

Failure to inspect, overfishing 1995 and 1996.

Recent judgment.

ANNEX VI

APPLICATION OF COMMUNITY LAW BY THE NATIONAL COURTS : A SURVEY

1. Application of Article 234 of the EC Treaty¹

In 2001, 237 requests for preliminary rulings were made by the national courts to the Court of Justice of the European Communities (hereinafter referred to as “the Court of Justice”) in cases where difficulties arose in the interpretation of Community law or where there were doubts as to the validity of Community instruments.

When such references are recorded at the Court of Justice Registry, they are published in full in the Official Journal of the European Communities. The table below shows the number of references from each Member State over the last 11 years.²

Number of references per Member State

	Year										
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Belgium	16	22	19	14	30	19	12	13	15	10	18
Denmark	3	7	4	8	4	7	7	3	3	5	8
Germany	62	57	44	51	66	46	49	49	47	53	59
Greece	1	5	-	10	4	2	5	3	3	4	7
Spain	5	7	13	10	6	9	55	4	5	4	3
France	15	22	36	43	24	10	16	17	12	15	8
Ireland	-	1	2	3	-	1	3	2	2	1	-
Italy	22	24	46	58	70	50	39	43	50	40	37
Luxembourg	1	1	1	2	2	3	2	4	-	2	4
Netherlands	18	43	13	19	10	24	21	23	12	14	12
Austria				2	6	35	16	56	31	57	31
Portugal	1	3	1	5	6	2	7	7	8	4	3
Finland				-	3	6	2	4	5	3	7
Sweden				6	4	7	6	5	4	4	5
United Kingdom	15	12	24	20	21	18	24	22	26	21	14
Benelux	-	-	-	-	-	-	-	-	1	-	-
Total	162	204	203	251	256	239	264	255	224	237	216

¹ The Commission will here follow the practice of the Court of Justice in its citation of the Articles of the Treaty establishing the European Community. Where there is a reference to the Treaty in its form before the entry into force of the Treaty of Amsterdam of 1 May 1999 the number of the Article is followed by the words “of the EC Treaty”; where there is a reference to the Treaty in its form after the entry into force of the Treaty of Amsterdam of 1 May 1999, the number of the Article is followed by the words “EC”.

² The reports for 1996 to 1999 were published in OJ C 332, 3.11.1997, p. 198, OJ C 250, 10.8.1998, p. 195, OJ C 354, 7.12.1999, p. 182, and OJ C 192, 30.1.2001, p. 192. The reports for 2000 and 2001 are accessible on the Commission’s website at (http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm).

After an increase in the number of cases following the 1995 accessions, the number of references has remained relatively stable. The courts of all the Member States referred questions to the Court of Justice. Those 216 cases constituted 45% of the 477 cases brought before the Court of Justice in 2002. The table below shows the number of references from courts of final instance in each Member State and identifies the referring courts.

Origin and number of references by courts of final instance in 2002, by Member State

Belgium	Court of Cassation	5
	Conseil d'Etat	5
	Other courts	8
Denmark	Højesteret	1
	Other courts	7
Germany	Bundesgerichtshof	3
	Bundesverwaltungsgericht	4
	Bundesfinanzhof	13
	Bundessozialgericht	4
	Other courts	35
Greece	Other courts	7
Spain	Tribunal Supremo	2
	Other courts	1
France	Court of Cassation	2
	Conseil d'État	3
	Other courts	3
Ireland	-	-
Italy	Corte suprema di cassazione	5
	Other courts	32
Luxembourg	Cour administrative	1
	Other courts	3
Netherlands	Raad van State	1
	Hoge Raad	6
	College van Beroep voor het Bedrijfsleven	1
	Other courts	4
Austria	Bundesvergabeamt	3
	Oberster Gerichtshof	12
	Verwaltungsgerichtshof	5
	Other courts	11
Portugal	Supremo Tribunal Administrativo	1
	Other courts	2
Finland	Korkein Hallinto-oikeus	3
	Korkein oikeus	2

	Other courts	2
Sweden	Högsta Domstolen	1
	Regeringsrätten	1
	Other courts	3
United Kingdom	House of Lords	2
	Court of Appeal	3
	Other courts	9

2. Significant decisions by national courts and the European Court of Human Rights

2.1. Introduction

This analysis reviews the account taken of Community law by national courts and the European Court of Human Rights. Unlike analyses undertaken in previous years, it is accordingly not restricted to the rulings of supreme courts; national courts at first instance are now called on to apply the relevant provisions of Community law.

The Commission has again had access to data compiled by the Research and Documentation Directorate and Computing Division of the Court of Justice; nevertheless, it is the Commission that has drawn up this report. Each year, some 1 200 judgments relating to Community law come to the attention of the Research and Documentation Directorate.

2.2. The research

Research was carried out on judgments first delivered or published in 1999 concerning the following questions:

- a.
 - i. Were there cases where decisions against which there was no appeal were taken without a reference for a preliminary ruling even though they turned on a point of Community law whose interpretation was less than perfectly obvious?
 - ii. Were there any other decisions regarding preliminary rulings that merit attention?
- b. Were there cases where courts, contrary to the rule in Case 314/85 Foto-Frost,³ declared an act of a Community institution to be invalid?
- c. Were there any decisions that applied the rulings given in *Francovich*, *Factortame* and *Brasserie du Pêcheur*?
- d. Were there any decisions that were noteworthy as setting good or bad examples?

³ Case 314/85 *Foto-Frost* [1987] ECR 4199 (judgment given on 22.10.1987).

Question 1

In Germany, several courts decided that there was no need for a reference to the Court of Justice on the basis of the doctrine of the “*acte clair*”.⁴ The Bundesfinanzhof, for instance, gave a judgment⁵ on the application of the progressive income tax rate. A worker had received income both in Germany and, following relocation, in the Netherlands in the same year. The German tax administration argued that, although income received in another Member State during the relevant tax year but after the relocation was not taxable as such in Germany, account had to be taken of it for income tax purposes to establish the tax bracket within which the income received in Germany was to fall. The Bundesfinanzhof held that this determination of the progressive tax bracket was not contrary to Community law. In particular, Article 48(1) (now Article 39(1)) of the EC Treaty did not preclude this, since income in Germany and the Netherlands was taxed only once and the German tax was not higher than the tax that would have been payable by a worker who had remained in Germany throughout the tax year. Referring to the judgment given by the Court of Justice on 27 June 1996,⁶ the Bundesfinanzhof held that the legal situation raised no doubts and that there was accordingly no need for a reference to the Court of Justice.

In the same judgment the Bundesfinanzhof referred to the judgment given by the Court of Justice on 14 September 1999,⁷ whereby Article 48(2) of the EC Treaty (now, after amendment, Article 39(2) EC) is to be interpreted as not precluding the application of a Member State’s legislation under which resident married couples are granted favourable tax treatment such as that under the splitting procedure whilst the same treatment of non-resident married couples is made subject to the condition that at least 90% of their total income must be subject to tax in that Member State or, if that percentage is not reached, that their income from foreign sources not subject to tax in that State must not be above a certain ceiling, thus maintaining the possibility for account to be taken of their personal and family circumstances in the State of residence. The Bundesfinanzhof concluded that the same would apply where only one of the spouses resided in Germany and the other in another Member State. The Bundesfinanzhof considered that the legal situation was clear enough to release it from the need to refer the question to the Court of Justice.

A similar judgment by the Bundesfinanzhof of 21 March 2002⁸ concerns a German exporter who had exported livestock to third countries. The exported livestock died outside Community customs territory on account of its poor state of health, before being put on the market in the third country of destination but after customs formalities and payment of the export refund. The relevant German authorities thereupon called for repayment of the export refund. The Bundesfinanzhof, on the other hand, held that the payment of export refunds was conditional on customs formalities being actually completed in good and due form. While the release of the product on the market in the third country can be an additional condition for the grant of refunds, but it does not warrant the repayment of refunds by an exporter to whom they have been paid.

⁴ Judgment of 6 October 1982 Case 283/81 *CILFIT* [1982] ECR 3415.

⁵ Judgment of 15 May 2002, Az I R 40/01, *Der Betrieb* 2002, p. 1743 et seq.

⁶ Judgment of 27 June 1996, Case C-107/94 *Asscher* [1996] ECR I-3089. The Bundesfinanzhof cites paras 46 et seq. (*Bundesfinanzhof*, judgment cited, *Der Betrieb* 2002, p. 1744, footnotes 3 and 4).

⁷ Judgment of 14 September 1999 Case C-391/97 *Gschwind* [1999] ECR I-5451.

⁸ Az. VII R 35/01, *Recht der internationalen Wirtschaft* 2002, p. 644.

The Bundesfinanzhof accordingly held that the customs administration could not rely on an argument that there was a loss of entitlement to export refunds and could not require the exporter to repay refunds already received. Since in the light of the law as stated by the Court of Justice⁹ there was no doubt as to the possible or divergent interpretation of the Community rule, the Bundesfinanzhof declined to refer the question to the Court.

Still in Germany, regarding the obligation to refer, the Bundesarbeitsgericht had before it the question whether an employer managing a private school and a boarding school was acting contrary to the principle of equal treatment in paying a supplementary retirement pension only to people employed in the private school. The Bundesarbeitsgericht held on 19 June 2001¹⁰ that this different treatment could be justified by the fact that the supplementary retirement pension for employees of the private school was substantially refinanced by the State under the Ersatzschulfinanzgesetz¹¹ whereas the employer has to pay the full pension for employees of the boarding school. The Bundesarbeitsgericht expressly rejected the applicant's request that this question be referred to the Court of Justice on the ground that in Community law there was no general principle of equal treatment and that in the instant case there was no evidence of any violation of Article 141 EC. It therefore concluded that there was no need for a decision from the Court of Justice to found its own judgment.

In two further judgments given on 11 July 2002 the Bundesgerichtshof considered that the Community rules were clear enough and declined to refer to the Court of Justice.¹² The cases concerned the distinction between medicines and in one case foodstuffs and in the other dietary supplements. Referring to the definition of medicine in the second paragraph of Article 1 of Directive 65/65/EEC¹³ and the case-law of the Court of Justice,¹⁴ the Bundesgerichtshof held that the concept of medicine must be interpreted broadly enough to cover all substances capable of affecting the actual functioning of the human organism. It observed that it was for the national authorities, subject to judicial review, to determine whether, given its composition, the potential risks generated by long-term consumption or its side-effects and, more generally, its overall characteristics, including its composition, its pharmacological properties as demonstrated by the current state of scientific knowledge, the mode of administration, the extent of its distribution, consumers' familiarity with it and the potential risks from using it, a product was or was not a medicine. The Bundesgerichtshof held that the entry into

⁹ Judgment of 14 December 2000 Case C-110/99 *Emsland-Stärke* [2000] ECR I-11569.

¹⁰ Bundesarbeitsgericht, Judgment of 19 June 2001, 3 AZR 557/00, *Der Betrieb* 2002, p. 436.

¹¹ Land Nordrhein-Westfalen Act on the financing of private schools recognised by the Land, Ersatzschulfinanzgesetz NRW.

¹² Bundesgerichtshof, Judgment of 11 July 2002, I ZR 273/99 (*Sportlernahrung*), *Zeitschrift für das gesamte Lebensmittelrecht* 2002, p. 660 et seq.; Judgment of 11 July 2002, I ZR 34/01 (*Muskelaufbaupräparate*), *Wettbewerb in Recht und Praxis* 2002, p. 1141 et seq.

¹³ Council Directive 65/65/EEC of 26 January 1965 on the approximation of provisions laid down by Law, Regulation or Administrative Action relating to proprietary medicinal products, OJ 22, 9.2.1965, p. 369. Article 1(2) provides that medicines include any substance or combination of substances presented for treating or preventing disease in human beings or animals. Any substance or combination of substances which may be administered to human beings or animals with a view to making a medical diagnosis or to restoring, correcting or modifying physiological functions in human beings or in animals is likewise considered a medicinal product.

¹⁴ Judgment of 21 mars 1991 Case C-369/88 *Delattre*, [1991] ECR I-1487; Judgment of 20 May 1992 Case C-290/90 *Commission v Germany* [1992] ECR I-3317.

force of Regulation No 178/2002¹⁵ laying down the general principles and requirements of food law had no impact on the demarcation line between foodstuffs and medicines as the Regulation merely introduced the concept of medicine as defined by Directive 65/65 into food law. There was no need to refer to the Court of Justice.¹⁶

Still in Germany, the Bundessozialgericht gave judgment on 9 October 2001¹⁷ in a case concerning the reimbursement by a statutory health-care insurance scheme of medical expenses incurred in another Member State. A German national, without seeking prior authorisation from the German scheme, has received out-patient treatment in Belgium involving radiation therapy using radioactive iodine. In Germany the Radiation Protection Regulation (Strahlenschutzverordnung)¹⁸ and a directive on radiation protection in medical matters¹⁹ allow this form of radiation therapy only on an in-patient basis with hospitalisation for at least 48 hours on health protection grounds. Acting on the basis of the German regulation and Book V of the Welfare Code²⁰ - the authorities refused to reimburse the costs of the therapy. The patient challenged their decision, arguing that it was contrary to Community law. But the Bundessozialgericht dismissed the action without referring to the Court of Justice. In accordance with section 16 of Book V of the Welfare Code, entitlement to benefits is suspended when insured persons are abroad. There is an exception under section 18, whereby the health-care insurance scheme can the costs of care abroad where in the general state of medical knowledge treatment for a disorder is only possible abroad. The Bundessozialgericht held that the derogation in section 18 was not available as the requisite radiation therapies could be had in Germany. The fact that out-patient treatment was not possible in Germany did not mean that the therapy was only possible abroad. The refusal under German law to reimburse health-care costs incurred in Belgium was not contrary to Community law. The Bundessozialgericht held that the German rules on the basis of which reimbursement was refused did not constitute a barrier to freedom to provide services as they did not preclude the provision of the service as such in Belgium. They merely required a specific condition for the service, namely in-patient treatment. There were overriding radiation protection considerations in support of this as the protection was not so much for the actual patients as for others coming into contact with them. Moreover, even if Community law itself provided for health protection against the risks of ionising radiation,²¹ that did not preclude Member States from adopting even stricter rules.²²

A second series of judgments given by German courts emphasises the importance of preliminary rulings under Article 234 EC as an integral part of the German legal system. Regarding the importance of Article 234 EC in the German national legal order and the exclusive jurisdiction of the Court of

¹⁵ Parliament and Council Regulation (EC) No 178/2002 of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, OJ L 31, 1.2.2002, p. 1.

¹⁶ This implicit decision of the Bundesgerichtshof has been criticised by *D. Gorny*, note to the judgment of the Bundesgerichtshof of 11 July 2002, 1 ZR 273/99, *Zeitschrift für das gesamte Lebensmittelrecht* 2002, p. 660.

¹⁷ Bundessozialgericht, Judgment of 9 October 2001, B 1 KR 26/99 R, *Sammlung der Entscheidungen aus dem Sozialrecht* 2002, p. 301.

¹⁸ Verordnung über den Schutz vor Schäden durch ionisierende Strahlen of 30 July 1989, *Bundesgesetzblatt* 1989 I, p. 1926.

¹⁹ Richtlinie Strahlenschutz in der Medizin of 14 October 1992, Bundesminister für Umwelt, Naturschutz und Reaktorsicherheit.

²⁰ Sozialgesetzbuch V - Gesetzliche Krankenversicherung (ci-après le "SGB V").

²¹ Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation, OJ L 159, p. 1.

²² Judgment of 25 November 1992 Case C-376/90 *Commission v Belgium* [1992] ECR I-6175, points 20 et seq.

Justice to interpret Community law, an Order of the Bundesverfassungsgericht given on 30 January 2002²³ concerning the consequences of a decision by a national court to refrain from referring a question to the Court of Justice for a preliminary ruling. The Bundesverfassungsgericht was hearing a constitutional action against a decision of an Oberlandesgericht which had held that the marketing of cough sweets under the name “biobronch” was not contrary to Article 2 of Regulation No 2092/91.²⁴ The applicant raised the question whether that court had violated the second sentence of Article 101(1) of the German Basic Law by not asking the Court of Justice for a preliminary ruling on the interpretation of the Article. Article 101 provides that no-one may be removed from the jurisdiction of his lawful judge. The Bundesverfassungsgericht has constantly held that the Court of Justice of the European Communities is within the definition of the “lawful judge”.²⁵ Consequently, violation of the obligation to seek a preliminary ruling under Article 234 CE by a German court against whose judgments there is no appeal is also a violation of the German Basic Law. But the Bundesverfassungsgericht stated that all it could do was check whether the application of Article 234 EC by the national court was manifestly unjustifiable,²⁶ and in particular whether the court had totally violated its obligation to refer. On the basis of the case-law of the Court of Justice to the effect that it had no jurisdiction to apply the rules of Community law to a specific case but solely to supply the basis for the interpretation of Community law,²⁷ the Bundesverfassungsgericht added that a constitutional action relating to the violation of the obligation to refer must make clear whether the action concerns the interpretation of Community law rather than a question of application of a Community rule to the individual case. Where the applicant fails to do this, as in the instant case, the constitutional action must be dismissed as inadmissible.

On the same question, the Bundesgerichtshof, in an Order made 6 June 2002,²⁸ ruled on its jurisdiction to interpret the Convention Implementing the Schengen Agreement of 19 June 1990 and the question whether there was an obligation to seek a preliminary ruling from the Court of Justice on the interpretation of it. The action before it was for an interpretation, an action serving to secure the uniformity of German law. The referring court, against whose decision there was no appeal, asked whether the concept of “interruption of limitation periods” for the purposes of Article 62(1) of the Implementing Convention included periods during which limitation was suspended. The Bundesgerichtshof held that only the Court of Justice had jurisdiction to interpret the Implementing Convention and accordingly declined to act on the reference. The Bundesgerichtshof stated that under section 1(2) of the Act governing requests for preliminary rulings from the Court of Justice in matters of police and judicial cooperation,²⁹ a court against whose decisions there is no appeal in domestic law must refer to the Court of Justice whenever a question of interpretation of the Implementing

²³ Bundesverfassungsgericht, Order of 30 January 2002, 1 BvR 1542/00, Neue Juristische Wochenschrift 2002, p. 1486.

²⁴ Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs, OJ L 198, p. 1.

²⁵ Cf. Bundesverfassungsgericht, Judgment of 22 October 1986, 2 BvR 197/83 (Solange II); Entscheidungen des Bundesverfassungsgerichtes (“BVerfGE”) Bd.73, p. 339 et seq. = NJW 1987, p. 577 et seq.; Bundesverfassungsgericht, Judgment of 31 May 1990, 2 BvL 12/88, 2 BvL 13/88, 2 BvL 1436/87, BVerfGE Bd.82, p. 159 et seq.

²⁶ “... ob die Zuständigkeitsregel in offensichtlich unhaltbarer Weise gehandhabt worden ist.”

²⁷ Judgment of 24 September 1987 Case 37/86 *Coenen* [1987] ECR 3604.

²⁸ Bundesgerichtshof, Order of 6 June 2002, 4 ARs 3/02, Neue Juristische Wochenschrift 2002, p. 2653 et seq.

²⁹ Gesetz betreffend die Anrufung des Gerichtshofes der Europäischen Gemeinschaften im Wege des Vorabentscheidungsverfahrens auf dem Gebiet der polizeilichen Zusammenarbeit und der justiziellen Zusammenarbeit in Strafsachen nach Artikel 35 des EU-Vertrages du 6 août 1998 (“EuGH-Gesetz”), Bundesgesetzblatt 1998 I, n° 50, p. 2035.

Convention is raised and the national court considers that an answer to the question is necessary for its judgment. The Bundesgerichtshof went on to state that Article 62 of the Implementing Convention was based on Articles 31(b) and 34 of the Treaty on European Union. The jurisdiction of the Court of Justice under Article 35 of that Treaty, on the basis of Article 2(1) of the Protocol integrating the Schengen acquis in the European Union, was not confined to conventions concluded after the Amsterdam Treaty. It therefore included the Implementing Convention of 19 June 1990. This exclusive jurisdiction of the Court of Justice had been accepted by Germany with the enactment of the European Court of Justice Act, giving effect to Article 35(1) of the Treaty on European Union.

In Spain, the Tribunal Supremo, giving judgment on 7 March 2002,³⁰ declined to refer a question for a preliminary ruling on the interpretation of Article 17 of the Sixth VAT Directive³¹ read with section 33.1.2° of the former Spanish VAT Act of 1985³² and section 62.1.2° of its implementing regulation.³³ These provisions excluded the right to deduct VAT on transport or travel services for taxable persons, their staff or other persons, even if the services were used for business purposes. The applicant company wished the Court of Justice to be asked for a preliminary ruling on the compatibility of this exclusion with Article 17 of the Sixth Directive, which allows the deduction “in so far as the goods and services are used for the purposes of ... taxable transactions”, as regards “goods or services supplied or to be supplied ... by another taxable person”.

The Tribunal Supremo ruled on the compatibility of this exclusion with Article 17 of the Directive. It proceeded on the basis of two arguments. First, it held that Article 17 of the Directive was not directly applicable as the national legislature enjoyed a certain discretion in applying it and paragraph 6 gave the council four years from entry into force to determine the expenses that would not be deductible. Second, the Tribunal Supremo applied the final subparagraph of paragraph 6, whereby “Until the above rules come into force, Member States may retain all the exclusions provided for under their national laws when this Directive comes into force”, the Spanish VAT Act having been enacted in 1985, before Spain acceded to the Communities and before the Sixth Directive entered into force in Spain on 1 January 1986.

The Tribunal Supremo also refused to put a question to the Court of Justice for a preliminary ruling on the ground that the obligations imposed by Article 177 of the EC Treaty were mitigated by the *Pescatore* doctrine, shared by the European Commission, to the effect that it is not necessary to seek a preliminary ruling where there is no doubt as to the validity of the relevant Community provision.

These opinions were expressed despite the judgment given by the Court of Justice on 6 July 1995,³⁴ recognising that Article 17(1) and (2) of the Sixth Directive were directly applicable. Likewise the Tribunal Supremo held that the Directive referred only to “provisions” and that the Spanish VAT Act, although in force only on 1 January 1986, when Spain actually acceded to the Communities, had

³⁰ Sentencia del Tribunal Supremo, Sala de lo Contencioso-Administrativo, Sección 2.ª, 7 March 2002, recurso de casación nº 9156/1996 (RJA 2002/3525).

³¹ Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes - Common system of value added tax: uniform basis of assessment, OJ L 145, p. 1.

³² Ley 30/1985, de 2 de agosto, del Impuesto sobre el Valor Añadido (BOE 9-VIII-1985), abrogé par la Ley 37/1992, de 28 de diciembre (BOE 29-XII-1992).

³³ Real Decreto 2028/1985, de 30 de octubre, por le que se aprueba el Reglamento del Impuesto sobre el Valor Añadido (BOE 31-X-1985).

³⁴ Judgment of 6 July 1995 Case C-62/93BP *Soupergaz* [1995] ECR I-1883.

“provided” in 1985.

Still in Spain, in two judgment concerning the ex post recovery of customs duties not charged to the dutiable person, requiring the interpretation and the application of Article 2 of Regulation No 1697/79,³⁵ the Tribunal Supremo came to opposite solutions without putting questions to the Court of Justice.³⁶

The two applicant companies had made imports in 1980 and 1982 and had paid the same customs agent a provision to cover the payment of duties. In December 1987, not having received payment of the duties, the customs administration sought to recover them by means of an action brought initially against the customs agent and then, when the agent was in solvent, against the applicant companies. Before bringing the actions, the customs had asked the companies to provide evidence of the payment to the customs agent so as to proceed against the proper debtor.

In the first of the judgments, the one given on 27 March 2002, the Tribunal Supremo held that Article 2 of Regulation No 1697/79 was not applicable in the case. That Article provides that an action for the recovery of uncharged duties may not be taken after the expiry of a period of three years from the date of entry in the accounts of the amount originally required of the person liable for payment or , where there is no entry in the accounts , from the date on which the customs debt relating to the said goods was incurred. The Tribunal Supremo took the view that the Regulation was not applicable as the debt arose in 1980 or 1982, well before Spain acceded to the Communities. The judgment accordingly applied the Spanish legislation that provided for a five-year limitation period and dismissed the action.

But in the second judgment, given on 16 November 2002, the Tribunal Supremo considered the question of the time at which the recovery action is to be regarded as having been “taken”. This could be either before Spain acceded to the Communities and Regulation No 1697/79 became applicable there, on the date when the customs administration asked the applicants for evidence that they had paid the customs agent; or on the post-accession date when the customs administration finally demanded payment of the customs duties by the applicants. The Tribunal Supremo opted for the latter solution. It held that the three year period allowed for recovery was not a limitation period but an estoppel period that could not be interrupted. It accordingly declared Regulation No 1697/79 inapplicable and decided that the ex post recovery of customs duties could not take place.

In another Spanish case, the Tribunal Supremo decided³⁷ not to seek a preliminary ruling in a case

³⁵ Council Regulation (EEC) No 1697/79 of 24 July 1979 on the post-clearance recovery of import duties or export duties which have not been required of the person liable for payment on goods entered for a customs procedure involving the obligation to pay such duties, OJ L 197, p. 1.

³⁶ Tribunal Supremo, Sala de lo Contencioso-Administrativo, Sección 2.ª, judgments of 27 March 2002 (RJA 2002/3616) and 16 November 2002 (La Ley, 28-I-2003, marginal 599), recursos de casación nº 8459/1996 and 512/1997, respectively. There is a third Judgment of 15 June 2000, same chamber and section of the Tribunal Supremo (recurso de casación nº 7572/1995, RJA 2000/7564), taking the same solution as the Judgment of 16 November 2002 and therefore departing from the position taken in Judgment of 27 March 2002 without saying so.

³⁷ Tribunal Supremo, Sala de lo Contencioso-Administrativo, sección 3.ª, Judgment of 20 June 2002, recurso de casación nº 3971/1996 (La Ley, 5-VIII-2002, marginal 6227 and RJA 2002/9555).

concerning the compatibility with Regulation No 4055/86³⁸ of the Spanish authorities' refusal to allow the use of the port of Alicante by a UK-controlled and registered ship for a passenger and goods transport service between that port and the Moroccan port of Nador. The administrative decision was based on the need for an authorisation under the Shipping Agreement between the Kingdom of Morocco and the Kingdom of Spain or to await amendment of that Agreement, under negotiation at the material time.

The Tribunal Supremo held that there was no need to refer a question for a preliminary ruling, as it was possible to deduce the proper interpretation of Community law from the judgment given by the Court of Justice on 20 February 2001³⁹ on a request for a preliminary ruling from the same section of the Tribunal Supremo. That judgment determined the conditions for admissibility of a prior administrative authorisation for regular maritime cabotage services in accordance with Regulation No 3577/92.⁴⁰

The Tribunal Supremo restated some of the considerations underlying that judgment. It held that, even if a national provision which makes the provision of services subject to a prior administrative authorisation is such as to impede the provision of the services or at least make it less attractive and is therefore a restriction on free movement, "the freedom to provide services, as a fundamental principle of the Treaty, may be limited only by rules justified on overriding grounds of the general interest applying to every person or firm exercising an activity in the territory of the host Member State. If the relevant national rules are to be regarded as valid, they must be designed to attain the objective they pursue and go no further than what is needed for that purpose". It held that these considerations were applicable to navigation by inland waterway and accepted that it was legitimate to uphold the decision withholding authorisation as there were overriding general interest safety considerations. These concerned the inadequate facilities at the port of Alicante for customs inspection of international traffic. The Tribunal Supremo accordingly rejected the action challenging the decision and confirmed that it was compatible with the Regulation.

But the Tribunal Supremo did not refer to the condition laid down by the judgment of the Court of Justice whereby the criteria for admissibility of the prior authorisation scheme for cabotage must not only be objective and non-discriminatory but must also be "known in advance to the undertakings concerned, in such a way as to circumscribe the exercise of the national authorities' discretion, so that it is not used arbitrarily. Accordingly, the nature and the scope of the public service obligations to be imposed by means of a prior administrative authorisation scheme must be specified in advance to the undertakings concerned".⁴¹ But this condition seems relevant here since, as the Tribunal Supremo itself acknowledges, unlike the situation regarding inland waterway navigation and cabotage for profit,⁴² the Spanish shipping legislation does not mention the possibility of imposing a prior

³⁸ Council Regulation (EEC) No 4055/86 of 22 December 1986 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries, OJ L 378, p. 1.

³⁹ Judgment of 20 February 2001 Case C-205/99 *Asociación Profesional de Empresas Navieras de Líneas Regulares and others* [2001] ECR I-1271.

⁴⁰ Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage), OJ L 364, p. 7.

⁴¹ Judgment of 20 February 2001 para 38 and operative part 1.

⁴² Sections 80(3) and 81(1) and (2) of Act 27/1992 of 24 November, de puertos del Estado y de la marina mercante (BOE 25-XI-1992).

authorisation for international transport.

In another Spanish case, the Tribunal Supremo declined to refer a question for a preliminary ruling as requested by the claimant in a case concerning the compatibility of a decision by the tax administration with the freedom of establishment provided for by Article 52 of the EC Treaty.⁴³ The decision was a refusal to apply the concessionary tax scheme for groups of companies to a stable establishment of a Belgian firm for 1992, 1993 et 1994 on the grounds that national legislation⁴⁴ required both the holding company and the subsidiaries to be resident in Spain.

After reciting the text of Article, the Tribunal Supremo rules on the compatibility of this type of tax decision with it. It proceeded on the basis of the fact that “the conditions laid down by Spanish law for Spanish firms require that both the holding company and the subsidiaries be public limited companies in accordance with national law”. It added that “it has been neither shown nor even alleged that the stable establishment of a Spanish firm in Belgium is eligible for the concessionary tax scheme for groups of companies”.

The Tribunal Supremo went on to hold that the claimant’s alleged violation of two judgments of the Court of Justice interpreting the scope of Article 52 of the EC Treaty in relation to the two subsidiaries was inadmissible as a ground for setting aside the judgment of the court below.⁴⁵ It stated that the judgments of the Court of Justice and the decisions of the administrative courts, the superior courts of the Autonomous Communities and the Audiencia Nacional, the Court of Auditors and the Constitutional Court did not constitute case-law the violation of which was a ground for setting aside a judgment for the purposes of Article 95.1.4° of the Administrative Jurisdiction Act 1956.⁴⁶ The Tribunal Supremo added that in any event there was no similarity between the two judgments of the Court of Justice and the questions in issue in the case since the two judgments were inapplicable to the hypothesis of a refusal to allow entitlement to the tax scheme claimed in the instant case.

The Tribunal Supremo based its decision to refrain from seeking a preliminary ruling on the “acte clair” doctrine. It referred expressly to the Court of Justice decision in *Cilfit* and to the “Pescatore doctrine” to hold that the case raised no doubts as to the interpretation of Article 52 EC.

In Finland, the Korkein hallinto-oikeus (Supreme Administrative Court) held, without referring to the Court of Justice, that the Finnish rules governing controlled foreign corporations (CFCs) was in accordance with Community law.⁴⁷

⁴³ Tribunal Supremo, Sala de lo Contencioso-Administrativo, sección 2.ª, Judgment of 15 July 2002, recurso de casación nº 4517/1997 (RJA 2002/7724).

⁴⁴ Real Decreto-Ley 15/1977, 25 February (BOE 28-II-1977), and Real Decreto 1414/1977, 17 June (BOE 24-VI-1977).

⁴⁵ Judgment of 28 January 1986 Case 270/83 *Commission v France* [1986] ECR 273 (inadmissibility in freedom of establishment terms of the refusal to allow the tax relief for subsidiaries and branches in France of insurance companies established in another Member State), and judgment of 15 May 1997 Case C-250/95 *Futura Participations SA and Singer* [1997] ECR I-2471 (conditions for admissibility of legislation which, as in Luxembourg, makes it possible for losses to be carried over to another non-resident company only if there is an economic relation between the losses and profits in that country).

⁴⁶ Ley reguladora de la jurisdicción contencioso-administrativa, 27 December 1956 (BOE 28-XII-1956). The ground for the appeal in cassation was “violation of the material statutory rules and case-law”.

⁴⁷ Judgment of 20 March 2002, KHO: 2002:26. Available in English in *International Tax Law Reports 2002*, Vol. 6, p. 1043.

Under the CFC rules, the passive income⁴⁸ of subsidiaries established in tax havens may be taxed by the holding company's country of residence. The foreign subsidiaries are regarded as CFCs. The definition of a CFC has three components:

- the company must be non-resident;
- the company must be controlled by one or more resident persons or companies, which is the case where: either one or more resident shareholders directly or indirectly hold at least 50% of the capital or voting rights in the company, or they are entitled to at least 50% of the product of the firm's net value;
- the local tax scheme must satisfy the criteria of the concessionary tax scheme: a foreign tax scheme is regarded as concessionary if the actual rate of corporate income tax borne by the foreign company is less than three fifths of the actual rate borne by Finnish companies.

In the case in the Supreme Administrative Court, the Finnish company A Oyj Abp had a Belgian subsidiary – A Finance NV – which was responsible for financial services and certain other services required by A Group companies in Central Europe. A Finance NV was registered and domiciled for tax purposes in Belgium. It enjoyed the benefit of the Belgian tax scheme for coordination centres. The purpose of this scheme was to allow international groups to centralise and coordinate certain of their activities in Belgium. These centres were subject to corporate income tax at the standard rate, but their basis for assessment was determined on a flat-rate basis in agreement with the tax authorities regardless of profits. The flat rate was a percentage of the centre's total expenditure and costs, excluding personnel and financial costs. Coordination centres were also subject to an annual flat-rate tax of BFR 400 000 per employed person, with a maximum of BFR 4 million. The effect of the Belgian tax rules was that the tax burden borne by A Finance NV in Belgium was probably less than three fifths of the burden borne by companies in Finland at the beginning of fiscal 1999.

A Oyj Abp, in accordance with Finnish legislation, had applied for an opinion from the keskusverolautakunta (Central Taxation Commission) on the question whether the income of A Finance NV could be taxable in Finland under the CFC legislation. The Commission considered that A Oyj Abp could be taxed in Finland under the CFC rules and that the provisions of the Tax Convention between Belgium and Finland or of Community law relating to the right of establishment and the free movement of capital did not preclude this. A Oyj Abp then challenged the decision concerning fiscal 1999 and 2000 in the Supreme Administrative Court.

The Supreme Administrative Court held that the CFC legislation had not prevented A Finance NV from being established in Belgium and that A Oyj Abp was not in a worse position in Finland than if it had not established a subsidiary in Belgium or the establishment had had another form rather than being a coordination centre. Nor had the CFC legislation prevented A Finance NV from transferring capital to Belgium and enjoying tax relief there. The Court compared the situation in the case before it with what would have been A Oyj Abp's situation if it had not established a subsidiary in Belgium or if the subsidiary had been in another form rather than a coordination centre. It concluded from the comparison that the CFC legislation did not restrict the right of establishment for the purposes of Article 43 EC or restrict the free movement of capital for the purposes of Article 56 EC.

The Court held that while the CFC legislation had not prevented A Oyj Abp's subsidiary from being established in Belgium and enjoying tax relief there, it might in practice prevent A Group companies

⁴⁸ Passive income means the proceeds of shareholdings.

from enjoying that relief because A Oyj Abp could be taxed on the basis of A Finance NV's income in Belgium. The Court did not regard that as a restriction on the right of establishment or as discrimination against either the Finnish holding company or the Belgian subsidiary as it was an arrangement in domestic law affecting companies resident in Finland.

In France, the Council of State⁴⁹ reviewed the legality of a decree adopted following the annulment⁵⁰ of regulations establishing exceptional contributions payable by pharmaceutical laboratories, declared incompatible with Community law by the Court of Justice on 8 July 1999 (*Baxter*)⁵¹ and reimbursed following the annulment. The Court of Justice had held that the effect of the contributions was to put firms having their main establishment in other Union Member States and operating in France through subsidiaries at a disadvantage.

The new exceptional contribution payable by laboratories was established by the Social Security (Finance) Act for 2000,⁵² and the rate of the contribution was set by decree.

The Council of State denies all accusations that it has violated *res judicata* in the form of the judgment given by the Court of Justice of the European Communities on 8 July 1999, arguing that the new contribution does not concern the same taxable persons, is assessed on a different basis and is not subject to the same exemptions.

But the Council of State did not see fit to refer a question to the Court of Justice on the two main objections made by the claimants in support of their application for annulment of the relevant decree – the discriminatory nature of the scheme and the possibility of regarding it as a form of State aid that ought to have been notified to the European Commission.

On the first objection, it held that the basis for assessment to the new contribution was defined on the basis of objective criteria related to its purpose of making firms doing business in pharmaceutical specialties contribute to financing social protection and to the equilibrium of the bodies involved.

There is no nationality discrimination in the contribution contrary to Article 12 EC and no barriers to freedom of establishment. But there are grounds for wondering whether there is indirect discrimination as home-based laboratories enjoy a practical advantage.

On the second objection, the Council of State summarily dismisses the description of the scheme as an aid scheme, regarding the fact that certain pharmaceutical firms would have enjoyed the benefit of the gain represented by the difference between the total sums reimbursed by the sickness insurance scheme under the decision that it gave following the Court of Justice's *Baxter* judgment and the total sums paid by way of the new contribution as a mere coincidence that does not make the contribution scheme into an aid scheme that is illicit as not having been notified to the European Commission under Article 88(3) EC.

Also noteworthy were the views expressed by the council of State on the principle of the primacy of

⁴⁹ C.E. 3 December 2001, SNIP (Droit administratif 2002 n° 55).

⁵⁰ C.E. 15 October 1999, Soc. Baxter and others.

⁵¹ Judgment of 8 July 1999 Case C-254/97 *Baxter* [1999] ECR I-4809.

⁵² LFSS 99-1140, 29 December 1999, OJRF, 30 December 1999, p. 19706.

Community law. It held that the principle cannot have the effect in domestic law of weakening the supremacy of the Constitution, even though there was no conflict between a Community rule and a constitutional rule. That said, the Council of State used the digression to formally assert the primacy of the Constitution, at least in the domestic legal order, using a form of words that for the first time referred to Community law. This had not been the case in *Sarran*,⁵³ where it referred more generally to international agreements.

In Ireland, the District Court in *Masterson v Director of Public Prosecutions*⁵⁴ put two questions to the High Court on the compatibility of a prohibition on imports of kerosene containing coumarins in section 12 of the Hydrocarbon (Heavy) Oil Regulations 1991⁵⁵ with Article 28 EC and Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products.⁵⁶ Coumarin is a substance used as a marker to identify the origin of kerosene. It is used for that purpose in Northern Ireland but its use in kerosene is strictly controlled in Ireland. The High Court, without even considering the possibility of a reference to the Court of Justice, held that the prohibition laid down by the national regulations pursued an objective relating to administration, surveillance and tax controls and was not therefore contrary to Article 28 EC which, unlike the Treaty's tax provisions, concerned trade.

On the question whether the national regulations were contrary to Directive 92/12, the High Court went on to examine Article 21(4) of the Directive⁵⁷ and held that, although they might be contrary to Article 28 EC, they must be interpreted in the light of Article 93 EC. Referring to the judgment given by the Court of Justice in Case 74/76 *Iannelli v Meroni* ([1977] ECR 557) on 22 March 1977, the Court held that the national regulations were necessary for the administration of excise duties and that every component of them was necessary for that purpose. An appeal against the High Court's judgment lies to the Supreme Court, but in fact no appeal has been brought.

In Italy, the Court of Cassation gave judgment in case 21549 on 4 June 2002, concerning the compatibility of sections 4bis and 4ter inserted in Act 401 of 13 December 1989 by Act 388 of 23 December 2000 with Community law. These provisions concern the organisation of the collection of bets on sporting events and prohibit all organised activity to accept, collect or facilitate the collection by any means, including telephone and electronic communications, of bets of whatever kind accepted by any person in Italy or abroad, unless the activities were authorised by the State monopolies administration. They extended the scope of the national rules reserving for the State or its concession operators all activity in the collection of bets on sporting events. There was a preliminary ruling on these provisions in Case C-67/98 (judgment given on 21 October 1999 [1999] ECR I-7289), where the Court of Justice held that, even if such rules act as a barrier to the freedom to provide services, they may be justified by consumer protection objectives.

The Court of Cassation took this judgment as a basis for declining to refer to the Court of Justice the question raised by the parties of the possibility of a conflict between the new legislation and the rules on freedom of establishment and freedom to provide services. The parties submitted that the sole

⁵³ C.E., Ass., 13 October 1998, *Revue Française de Droit Administratif* 1998, p. 1081.

⁵⁴ High Court, 13 May 2002.

⁵⁵ S.I. 269 of 1991.

⁵⁶ Council Directive 92/12/EEC of 25 February 1992, OJ L 76, p. 1.

⁵⁷ "Mineral oils may be held, transported or used in Ireland, other than in the running tanks of vehicles permitted to use rebated fuel, only where they comply with that State's control and marking requirements".

purpose of sections 4bis and 4ter was to raise resources for the State, so that they were not justified on grounds of public policy, public security or public health. But the Court of Cassation held that these rules, like those in *Zenatti*, on which the Court of Justice had expressed its analysis, had “the advantage of confining the desire to gamble and the exploitation of gambling within controlled channels, of preventing the risk of fraud or crime in the context of such exploitation, and of using the resulting profits for public-interest purposes” (paragraph 35 of *Zenatti*). It further recalled that even before the sections were enacted it had interpreted the earlier rules as meaning that the rules reserving the activities of taking bets for the State also applied to the organisation of betting by telephone or electronic communications. All the sections did was codify the interpretation given by the courts “in the light of technological innovations in electronic data transmission”.

It should be noted here that, while the Court of Cassation felt no need to raise the question of the interpretation of the Community rules on freedom of establishment and freedom to provide services, two courts of first instance, the Tribunal at Ascoli Piceno and at Modena, referred the same question to the Court of Justice, where their references are still pending.⁵⁸ And at the same time the Tribunal at Ascoli Piceno referred a question for constitutional review which the Constitutional Court, by Order No 85 made on 1 and 21 March 2002, declared to be manifestly inadmissible, as the referring judge proceeded from the hypothesis that sections 4bis and 4ter were applicable in the Italian legal order whereas doubts were cast on this by the reference for a preliminary ruling in the European context.

In another Italian case, No 7636, the Court of Cassation made an Order on 24 May 2002,⁵⁹ on an action (“*regolamento di competenza*”) challenging the Order whereby the Florence Court of Appeal referred a question to the Court of Justice for a preliminary ruling (Case C-207/01) concerning the interpretation of Articles 81, 82 and 85 EC and Directive 92/12, the question being whether the Directive precluded the Italian rules on surcharges (“*sovrapprezzi*”) for nuclear charges and new electricity-generating plant. In the action in cassation, the applicant submitted that the question should not have been referred for a preliminary ruling and challenges the terms in which it was put.

The Court of Cassation dismissed the action, holding that, under Article 234 EC, Article 20 of the Statute of the Court of Justice and the second paragraph of Article 64 of the Rules of Procedure of the Court of Justice, where a national court believes that an interpretation from the Court of Justice is necessary to settle the case, it can apply to the Court of Justice which has exclusive jurisdiction in this respect and may order proceedings to be stayed pending the Court of Justice’s reply. The Court of Cassation concludes that its review of orders staying proceedings in the event of a reference to the Court of Justice can extend only to “verifying the legal correctness” of the facts taken as a basis by the referring court, since that is a matter solely for that court and any review of the grounds for the reference can be made only in the judgment on the merits.

The prosecution service further stated that the judicial review of such an Order by the Court of Cassation could only concern cases of interpretations that were manifestly “arbitrary or implausible”.

Still in Italy, giving judgment in Case 10452 on 19 July 2002,⁶⁰ the Court of Cassation rules on the jurisdiction of the Community courts in the event of a Member State violating one of the fundamental rights enshrined in the European Human Rights Convention (“ECHR”). The national dispute

⁵⁸ Cases C-243/01 *Gombelli* and C-359/02 *Lanzotti* pending.

⁵⁹ *Foro italiano* 2002, I, Col. 3090.

⁶⁰ *Foro italiano* 2002, I, Col. 2607.

concerned a measure applying a *vincolo paesaggistico* (restriction imposed by countryside conservation rules) as provided for by decree 490 of 29 October 1999. The applicant pleaded a violation of the fundamental right of property ownership in Article 1 of Protocol No 1 to the ECHR and sought annulment of a judgment given by the Court of Appeal for failure to refer to the Court of Justice the question of the compatibility of the national rules with that provision of the ECHR.

The Court of Cassation dismissed this ground of the appeal, holding that, although Article 6 of the Treaty on European Union required the Union to respect the fundamental rights secured by the ECHR, it could not be interpreted as inserting Community law in compliance with the convention by the Member States of the Community. Consequently, as the Court of Justice had held in Case C-299/95 *Kremzow* ([1997] ECR I-2629, judgment given on 29 May 1997), Community law did not give the Court of Justice jurisdiction to interpret national legislation or, therefore, to declare it contrary to the ECHR. Its jurisdiction was confined to interpreting acts of the European institutions, the only ones to which Article 6 of the Union applied.

In the Netherlands, the Benelux Gerechtshof had before it a request for a preliminary ruling⁶¹ on the concept of notion of “bad faith” by the trademark holder in Article 3(2)(d) of Directive 89/104⁶² and Article 4(6) of the Benelux Uniform Law on Trademarks.⁶³ There was no reference to the Court of Justice even though it has a monopoly of the interpretation of concepts in Community law⁶⁴.

Likewise, in a judgment concerning the right of supervision exercised by the Commissariaat voor de Media over the Luxembourg company RTL/Veronica in the Holland Media Groep SA (“HMG”), responsible for transmitting RTL4 and RTL5 in the Netherlands, the Raad van State interpreted⁶⁵ Article 2 of Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, as amended by Directive 97/36/EC,⁶⁶ without asking the Court of Justice for a preliminary ruling. The Raad van State, a national court against whose decisions there is no right of appeal, did not consider the question of the absence of reasonable doubts as to the interpretation of this provision of Community law.⁶⁷

Again in the Netherlands, in a judgment given on 24 July 2002⁶⁸ concerning the direct effect of a Directive, the Raad van State considers a question on which it had already put questions for

⁶¹ Benelux Gerechtshof, 24 June 2002, IER 2002, p. 311, and Hoge Raad 22 June 2001, NJ 103.

⁶² First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks, OJ L 40, p. 1.

⁶³ See also Article 51(1)(b) of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark, OJ L 11, p. 1.

⁶⁴ Judgment of 4 November 1997 Case C-337/95 *Parfums Christian Dior v Evora* [1997] ECR I-6013.

⁶⁵ Afdeling bestuursrechtspraak Raad van State, RTL/Veronica, Holland Media Group SA and CLT-UFA SA/Commissariaat voor de Media, AB Rechtspraak Bestuursrecht 2002, 5.

⁶⁶ The Raad van State held that HMG, as the company responsible for broadcasting RTL4 and RTL5 in the Netherlands, should under Article 2(3)(a) of the directive be under supervision by the Dutch authority (“Commissariaat voor de Media”) rather than the Luxembourg authority (ground 2.6.4 of the judgment).

⁶⁷ The Raad van State interpreted a provision of Community law imposing binding legal requirements on the Commissariaat voor de Media.

⁶⁸ Raad van State, afdeling bestuursrechtspraak, Judgment of 24 July 2002, Vereniging X. e.a./Burgemeester en Wethouders van Ede, Milieu en Recht 2002, Jur. p. 329-331.

preliminary rulings in another case⁶⁹ (necessary to settle that case), without awaiting the reply from the Court of Justice in the first case.

In our last Netherlands case, the Hoge Raad, giving judgment after the Court of Justice had answered the questions put to it by way of preliminary ruling, put a fresh, similar question to the Court of Justice by order made on 18 October 2002.⁷⁰

Second question

In Spain, the Audiencia Nacional⁷¹ followed *Francovich* and *Brasserie du Pêcheur/Factortame* in a case concerning complaints by several people, most of them nationals of other Member States, following loss sustained as a result of Spain's delay in transposing Directive 94/47 on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a timeshare basis.⁷²

The Audiencia Nacional proceeds from decision given by the Court of Justice on the general principle of the liability of public authorities in the Member States in the event of a violation of Community law, citing *Francovich*,⁷³ *Haim II*,⁷⁴ *Brasserie du Pêcheur/Factortame*,⁷⁵ *British Telecommunications*,⁷⁶ *Hedley Lomas*,⁷⁷ *Dillenkofer*⁷⁸ and *Norbrook Laboratories*.⁷⁹ Relying on *Norbrook Laboratories*, it enumerates the three conditions on which liability depends: "the rule of Community law infringed is intended to confer rights on individuals, the breach is sufficiently serious and there is a direct causal link between that breach and the damage sustained by the individuals concerned". The judgment went on to analyse the presence of the three conditions in the instant case. It concluded, first, that there was a violation of Community law by the Spanish State, since the transposal of Directive 94/47 by the Act of 15 December 1998⁸⁰ was not performed within the thirty months allowed by the Directive. Second, the purpose of the Directive was to confer rights on individuals, and such was the case of the right to withdraw from a contract and the rights flowing from the prohibition of advance payments before the time allowed for withdrawal. Third, there was a direct causal link between the loss suffered and the national law applicable at the material time which, by failing to secure those rights, made it impossible to exercise them. Lastly, since the defendant authority

⁶⁹ Raad van State, afdeling bestuursrechtspraak, Judgment of 27 March 2002, JM 2002, 76. Landelijke Vereniging tot Behoud van de Waddenzee et Nederlandse Vereniging tot Bescherming van Vogels, C-127/02, pending.

⁷⁰ Stichting Goed Wonen/Staatssecretaris van Financiën, Beslissingen in belastingzaken 2002, 397. "Goed Wonen", C-376/02, pending.

⁷¹ Audiencia Nacional, Sala de lo Contencioso-Administrativo, Judgment of 7 May 2002, recurso contencioso-administrativo nº 365/2001 (RJCA 2002/634).

⁷² OJ L 280, p. 83.

⁷³ Judgment of 19 November 1991 Cases C-6/90 and C-9/90, *Francovich and Bonifaci v Italy* [1991] ECR I-5357.

⁷⁴ Judgment of 4 July 2000 Case C-424/97 *Haim* [2000] ECR I-5123.

⁷⁵ Judgment of 5 March 1996 Cases C-46/93 and C-48/93 *Brasserie du Pêcheur/Factortame* [1996] I-1029.

⁷⁶ Judgment of 26 March 1996 Case C-392/93 *British Telecommunications* [1996] ECR I-1631.

⁷⁷ Judgment of 23 May 1996 C-5/94 *Hedley Lomas* [1996] ECR I-2553.

⁷⁸ Judgment of 8 October 1996 Cases C-178/94, C-179/94, C-188/94, C-189/94 and C-190/94 *Dillenkofer* [1996] ECR I-4845.

⁷⁹ Judgment of 2 April 1998 Case C-127/95 *Norbrook Laboratories* [1998] ECR I-1531.

⁸⁰ Ley 42/1998, 15 December, sobre derechos de aprovechamiento por turno de bienes inmuebles de uso turístico y normas tributarias (BOE 16-XII-1998).

had acknowledged its liability in the course of the proceedings, the Audiencia Nacional wasted no time on the question.

The Audiencia Nacional then considered the procedural conditions for a finding of State liability. Citing *Francovich, Norbrook Laboratories et Haim II*, it held that the State must compensate for losses under national law governing liability in conditions that must not be less favourable than those applicable in the event of purely domestic disputes and could not be adjusted to make it extremely difficult or indeed virtually impossible to obtain compensation. In Spanish law, the framework was supplied by Article 106(2) of the Constitution, which conferred on individuals the right to be compensated for loss caused to their property or entitlements by public authorities. Title X of Act 30/1992 of 26 November⁸¹ and sections 145.2 and 4.2 of Royal Decree 429/1993 of 26 March 1993⁸² provide for a one-year period for the commencement of a civil action against the State running from the date when the harmful act occurs or its effects become apparent.

As regards the date on which time begins to run, the Audiencia Nacional concludes from the applications that the loss flowed from the signing of the timeshare acquisition contracts without the acquirers being given the rights conferred by the Directive, in particular the right to reimbursement of advance payments, the amount of which was what the action concerned. The judgment then considers the situation of the twenty-five applicants one by one on the basis of the date when the contracts were signed, concluding that only seven had brought their action within the time allowed and dismissing the rest.

Lastly the Audiencia Nacional dismisses the defence plea from the defendant administration that liability should be shared between the State and the sellers, halving the authorities' share of the compensation payable. It emphasises that the avowed purpose of the Directive was to prevent sellers from demanding advance payments from buyers. As for the payment of interest, the judgment proceeds from the *restitutio in integrum* principle that governs State liability and declares it payable.

In two other judgments concerning transfers of civil service pension entitlements to the Community scheme, however,⁸³ the Tribunal Supremo did not hold the public authorities liable for their violation of Community law.

In the first of these cases,⁸⁴ Community officials with Spanish nationality who had previously been civil servants in Spain had unsuccessfully asked the Council of Ministers to transfer the actuarial equivalent of their pension rights ("*derechos pasivos*"). The basis for their application was in Article

⁸¹ Ley 30/1992, 26 November, de Régimen Jurídico de las Administraciones Públicas y del Procedimiento Administrativo Común (BOE 27-XI-1992).

⁸² Real Decreto 429/1993, 26 March, por el que se aprueba el Reglamento de los Procedimientos de las Administraciones Públicas en materia de Responsabilidad Patrimonial (BOE 4-V-1993).

⁸³ Tribunal Supremo, Sala de lo Contencioso-Administrativo, Sección 7.ª, judgments of 26 July 2002 and 3 December 2002, recursos contencioso-administrativos nº 223/1998 and 419/2000, published on the courts service website at <http://www.poderjudicial.es/tribunalsupremo>; the second judgment is also published in *la Ley*, 21.1.2003 marginal 229.

⁸⁴ The subject-matter of this case is identical to the Judgment of Tribunal Supremo, Sala de lo Contencioso-Administrativo, Sección 7.ª, 23 July 2001 (recursos contencioso-administrativos nº 551/1997, 593/1997 y 223/1998, acumulados, RJA 2001/6922). The judgment of 26 July 2002 expressly states that it is taking over the same argumentation.

11(2) of Annex VIII to the Staff Regulations of officials of the European Communities.⁸⁵ In the alternative they applied for the State to be held liable for violation of Community law in connection with the loss caused by failure to transfer their entitlements to the Community scheme. The Court of Justice, incidentally, had already given judgment against Spain for failure to take the necessary measures to allow the transfers.⁸⁶

The Tribunal Supremo acknowledged the applicants' right to have their pension rights transferred and accordingly accepted the principal claim. But it dismissed the application for compensation on the ground that the legislative procedure required for the transfers had been completed during the proceedings.⁸⁷ The Tribunal Supremo held that the delay in enacting the legislation had not made the transfers impossible and did not therefore constitute an actionable omission. But if the delay in the transfers were to cause a future loss of pensions payable to those concerned, the State could be held liable for failure to meet its obligations under Community law.⁸⁸ The same reasoning is used to dismiss the request for compensation for the impossibility of exercising the right to apply for early retirement on account of the delayed transfer of pension rights. The Tribunal Supremo held that this was a purely contingent right and that the loss materialised only when the right became effective.

Another action directly challenged a Royal Decree of 30 December 1999 approving the pension transfer system and applied for compensation for violation of Community law. After dismissing the grounds pleaded in support of the allegation of illegality motifs of the decree, the Tribunal Supremo also dismissed the application for compensation on the basis of the arguments sets out in its previous judgments.⁸⁹

In France, in a dock dues case, the Commercial, Financial and Economic Chamber of the Court of Cassation had before it an application from a company, Peynoird, for compensation for the loss sustained by reason of sums wrongly charged in terms of Community law.⁹⁰

The applicant had imported divers merchandises into Guadeloupe between September 1991 and December 1992, paying dock dues and the additional charge. On the basis of *Legros*⁹¹ and *Lancry*,⁹² where the Court of Justice had held that the dock due was a tax having an equivalent effect to a customs duty incompatible with Community law, Reynoird was applying for repayment of amounts wrongly charged by the customs administration and for compensation for the loss sustained by reason of the illegal charge.

⁸⁵ Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 (OJ L 56, p. 1), as last amended by Regulation (EEC, Euratom, ECSC) No 571/92 of 2 March 1992 (OJ L 62, p. 1).

⁸⁶ Judgment of 17 July 1997 Case C-52/96 *Commission v Spain* [1997] ECR I-4637.

⁸⁷ **Real Decreto 2072/1999, 30 December, sobre transferencias recíprocas de derechos entre el sistema de previsión social del personal de las Comunidades Europeas y los regímenes públicos de previsión social españoles (BOE 18-I-2000).**

⁸⁸ Such was the case of one of the applicants in the judgment of 23 July 2001, who obtained a statement that the State was liable and ordered to pay interest on the monthly differences between the pension actually paid and the pension that would have been paid if Spain had fulfilled its obligation to transfer rights, until he receives the difference under Royal Decree 2072/1999.

⁸⁹ 23 July 2001 and 26 July 2002. See footnote 84.

⁹⁰ C. Cass. (Chambre commerciale, financière et économique), 22 October 2002, Sté Primistères Reynoird/Direction générale des douanes et droits indirects de Guadeloupe.

⁹¹ Judgment of 16 July 1992 Case C-163/90 *Legros and others* [1992] ECR I-4625.

⁹² Judgment of 9 August 1994 Cases C-363/93, C407/93 to C-411/93 *Lancry and others* [1994] ECR I-3957.

Concerning the application for compensation, note that in *Legros* the Court of Justice confined its interpretation within a specific time-frame, holding that the only amounts repayable were those paid before the date of the judgment, unless a court action had been commenced before then. So it is hardly surprising that the Court of Cassation held Reynoird's application inadmissible as it sought the repayment of sums paid before 16 July 1992.

But the Court of Cassation is more attentive to the response to the application for compensation for loss sustained by reason of sums wrongly charged. The possibility of such an action against the State, first raised in *Just*,⁹³ was confirmed by the Court following *Brasserie du Pêcheur* in *Comateb*.⁹⁴ The Court held there that "traders may not be prevented from applying to the courts having jurisdiction, in accordance with the appropriate procedures of national law, and subject to the conditions laid down in Joined Cases C-46/93 and C-48/93 *Brasserie du Pêcheur and Factortame* [1996] ECR I-1029, for reparation of loss caused by the levying of charges not due, irrespective of whether those charges have been passed on", in particular if it has "had the effect of restricting the volume of imports from other Member States". Even if no reference is made to decision of the Community courts either by the Court of Cassation or by the applicant, the merit of this judgment is that it implies acceptance of the principle of such an action since the Court of Cassation looks in depth into the conditions for exercising the right to compensation. But it concludes that the application for compensation must be dismissed as there was not "at the time when the offending dues were charged, a sufficiently serious violation of Community law".⁹⁵ The Court of Cassation justifies its position on the grounds of "the uncertainty as to the legitimacy of the dues ... in relation to Community law", reflected in the attitude taken by the Council in Decision 89/688/EEC of 22 December 1989, authorising France to maintain the dock dues scheme as then in force until 31 December 1992. While accepting the principle of actions for compensation for loss sustained by reason of a charge wrongly charged, the Court of Cassation gives a strict interpretation of the concept of serious violation.

Third Question

In Germany, the Bundesgerichtshof, in a case⁹⁶ turning on the relationship between the Act on withdrawal from doorstep contracts and similar transactions⁹⁷ and the consumer credit Act,⁹⁸ interpreted national law in the light of the letter and spirit of the Directives transposed by those Acts as interpreted by the Court of Justice on 13 December 2001.⁹⁹ On the consumer credit side German law provided for a right to withdraw from the debtor-creditor relationship, but no such right was

⁹³ Judgment of 27 February 1980 Case 68/79 *Just* [1980] ECR 501.

⁹⁴ Judgment of 14 January 1997 Cases C-192/95 to C-218/95 *Comateb and others* [1997] ECR I-165.

⁹⁵ According to the Court of Justice (Cases C-46/93 and C-48/93 *Brasserie du Pêcheur and Factortame* [1995] ECR I-1029), there are three such conditions: the Community rule must have the purpose of conferring rights on individuals, the violation must have been serious and there must be a causal link between the violation and the loss sustained.

⁹⁶ Judgment of 9 April 2002, XI ZR 91/99 ("Heininger"), *Neue Juristische Wochenschrift* 2002, p. 1881 et seq.

⁹⁷ Gesetz über den Widerruf von Haustürgeschäften und ähnlichen Geschäften (ci-après: "HWiG") transposing Directive 85/577/EEC on contracts negotiated away from business premises.

⁹⁸ Verbraucherkreditgesetz (ci-après: "VerbrKrG") transposing directive 87/102/EEC on consumer credit.

⁹⁹ Judgment of 13 December 2001 Case C-481/99 *Heininger* [2001] ECR I-9945.

provided for in the event of a credit contract secured on real property.¹⁰⁰ Moreover, in the event of a consumer credit contract, German law also excluded the right to withdraw from doorstep contracts.¹⁰¹ It was consequently possible to find situations – as in the instant case – where the consumer had no right to withdraw, even if the credit contract was in fact a doorstep contract.

But in that judgment the Court of Justice held that the doorstep sales Directive applied also to a credit contract secured on real property and that the fact that it was also a consumer credit contract had no impact on the right to withdraw under Article 5 of Directive 85/557.

In accordance with that judgment the Bundesgerichtshof concluded that, since the VerbrKRG did not offer an equivalent right to withdraw, the right provided for by the HwiG was not excluded, even if the contract was one to which the VerbrKrG applied. The Bundesgerichtshof based its conclusion on the fact that the wording of the relevant provision¹⁰² was open to interpretation. The legislative intention, which according to the explanatory memorandum accompanying the Bill in Parliament was to confirm the primacy of the VerbrKrG, did not prevent this. Accepting the contrary hypothesis would be tantamount to supposing that the legislative intention was to deliberately breach the directive. Although the material scope of the HwiG was broader than that of the directive and the relevant provision was not confined to doorstep contracts but extended to all contracts signed subsequently under the influence of doorstep techniques, the Bundesgerichtshof refused to confine its interpretation to situations covered by the directive. The Bundesgerichtshof held that such a split interpretation would violate the principle of equal treatment.

In our last German case, the Bundesfinanzhof, departing from a long line of cases,¹⁰³ rejected the tax authorities' practice of applying tougher conditions for tax deductibility of expenditure on language courses abroad than for courses in Germany. The Bundesfinanzhof, stating that the decision was the direct result of applying Community law, followed the decisions of the Court of Justice without feeling any need to seek a preliminary ruling. The applicant, a commercial agent acting for a trading firm that also had business on the French and English (sic) markets, followed a French language course in southern France. He put the course down as professional expenditure on his annual income tax return. But the tax authorities, in accordance with their regular practice, refused to allow the deduction of the cost of the French course as professional expenditure. Given the general context of the trip, in particular the fact that the course was abroad, the authorities argued that the trip was not a study trip for business purposes. But the Bundesfinanzhof held that the expenditure could not be disallowed merely because the course was organised in another EU Member State. The mere fact that the applicant followed a language course in another Member State although it was possible to do so nearer home within the Member State is not in itself sufficient to make the trip a private one.

In Austria, a case in the Verwaltungsgerichtshof¹⁰⁴ concerned the administrative authorisation for

¹⁰⁰ See section 3(2)(2) of the VerbrKrG, now section 491(3)(1) of the Civil Code. This provision was repealed by an Act of 23 July 2002 (Bundesgesetzblatt 2002 I, Nr. 53, p. 2850 et seq.) following controversy provoked by "*Heininger*" in the Court of Justice and the Bundesgerichtshof.

¹⁰¹ See section 5(2) of the HwiG, now section 312b of the Civil Code. This provision was amended in line with the judgment of the Bundesgerichtshof *Heininger* by the Act of 23 July 2002.

¹⁰² Section 5(2) of the HwiG. XSee also footnote 101.

¹⁰³ Bundesfinanzhof, Judgment of 13 June 2002, VI R 168/00, Finanz-Rundschau Ertragsteuerrecht 2002, p. 1231 et seq. = Internationales Steuerrecht 2002, p. 776 et seq.

¹⁰⁴ VwGH, Judgment of 27 June 2002, 99/10/0159.

extension of a golf course neighbouring a zone protected by both national and Community law (“NATURA 2000 “) inhabited by certain species, including the corncrake, protected by Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 79/409/EEC on the conservation of wild birds. The relevant authority based its authorisation decision primarily on the expert opinions and advice supplied by the applicants to show that the obligations imposed were adequate to protect the corncrakes’ nesting areas. The appeal, brought by the Landesumweltanwalt (Environment Commissioner), proceeded first from the failure to run an impact assessment procedure as provided by the directives and national law. Second, it complained of the mere reproduction expert advice without official reactions.

The Verwaltungsgerichtshof relied on a series of judgments of the Court of Justice relating to Article 4 of Directive 79/409 holding that the relevant areas of land, even if not formally declared to be “special protection areas” by the Member State, were eligible for protection under the directive as “actual protection areas”. It recalled that the Court of Justice has developed of the principle that the interpretation of national law, whether dating from before or after the adoption of the directive, must be as far as possible in conformity with the wording and purpose of the directive so as to attain its objectives. The relevant authority should have based its decision on Article 4 of Directive 92/43 and checked whether the relevant piece of land was within the definition of “actual area” with all the consequences that that entailed. As the facts had not been proved, the Verwaltungsgerichtshof annulled the decision for violation of procedural rules.

In Belgium, a case in the Arbeidshof Antwerpen¹⁰⁵ concerned the pension of a married employed person who had worked in the Netherlands and then Belgium subject to the pensions scheme operating in each of those countries. When he reached retirement age in Belgium in 1993, he was given a pension by the Office national des pensions, the amount being calculated in accordance with section 3(1)(a) of the Belgian Pensions Act.¹⁰⁶ The Dutch Sociale Verzekeringsbank also awarded him a retirement pension plus an additional amount on the ground that his wife, a housewife, was not yet of statutory retirement age.

In 1994, his wife reached the age of 65 and was eligible for a retirement pension under Dutch legislation. The award of this pension generated a cut in the husband’s Dutch pension by an amount equivalent to his wife’s pension and a cut in the Belgian pension under section 3(1)(a) and 8 of the Act. These provisions provide for a reduction in the amount of the pension to reflect the pension paid to the spouse by a scheme in another Member State. Paragraph 8 further provides that the fact that one of the spouses enjoys one or more retirement or survivor’s pensions from a foreign country’s scheme does not preclude the other spouse from receiving a retirement pension calculated as provided by paragraph 1(1)(a), provide the aggregate amount of the pensions of the first conjoint is less than the difference between the amounts of the retirement pension of the other spouse, calculated in accordance with paragraph 1(1)(a) (worker whose spouse does not receive a retirement pension) and paragraph 1(1a)(b) (other cases).¹⁰⁷

Given the reduction in the pensions payable to the spouses as a result, the Arbeidshof Antwerpen felt

¹⁰⁵ Arbeidshof Antwerpen, 4e kamer, Judgment of 7 February 2002, A.R. 960218.

¹⁰⁶ Act of 20 July 1990 establishing a flexible retirement age for employed persons and adapting their pensions to general prosperity (Moniteur belge, 15 August 1990).

¹⁰⁷ In case a), the real gross income taken into account for pension purposes is as to 75%, whereas in case b), it is as to 60%.

the need to ask the Court of Justice for a ruling on their conformity with Article 48 of the EC Treaty (now Article 39 EC). The Court of Justice held¹⁰⁸ that where the competent authorities of a Member State apply a provision of law which 1° fixes the amount of the retirement pension awarded to a married worker (such is the case of section 3(1)), 2° provides for that pension to be reduced, by the amount of a pension awarded to his spouse under the scheme of another Member State (such is the case of section 3(1) and (8)), but 3° provides for the application of a derogating clause in respect of overlapping where the pension paid elsewhere is less than a certain amount (such is the case of section 3(8)), it is contrary to Article 48 of the EC Treaty (now, after amendment, Article 39 EC) for those authorities to reduce the amount of the pension awarded to a migrant worker by the amount of a pension awarded to his spouse under the scheme of another Member State, when the grant of that latter pension does not involve any increase in the couple's total income. The Arbeidshof Antwerpen concluded that the Office national des pensions could not withdraw or reduce the husband's pension in accordance with section 3(1) and (8).

Another case in the Belgian Court of Cassation¹⁰⁹ concerned a rental contract between the European Community and Zurich concerning taxes on a building in Brussels. In 1988, the two parties signed a lease whereby the former agreed to rent property belonging to the latter. A clause in the lease provided for all taxes levied or to be levied on the property would be borne by the lessee. An Order made by the Region of Brussels-Capital on 23 July 1992 imposed a tax on buildings used for non residential purposes. Commune Regulations provided for taxes payable by the lessor on office space. The company (Zurich) asked the lessee to reimburse the regional and commune taxes. The Community refused to reimburse as the Order and regulation were incompatible with Article 23 of the Vienna Convention of 18 April 1961 on diplomatic relations, Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities and Article 3 of the Protocol on the Privileges and Immunities of the European Communities annexed to the Treaty of 8 April 1965. The European Community accordingly asked for the following question to be referred to the Court of Justice for a preliminary ruling: must Article 28 of the Treaty and Article 3 of the Protocol, in conjunction if appropriate with Article 23 of the Vienna Convention, be interpreted as meaning that they prohibit the adoption of national legislation or other national provisions establishing a direct tax which appears to be chargeable on persons who contract with legal persons governed by international law (such as the European Community) but which in reality has the object or effect of causing legal persons governed by international law (such as the European Community) to bear the actual burden of the tax. The European Community then argued that the Order of the Region of Brussels-Capital and the Commune Regulation violated the principle of the performance of international treaties in good faith pursuant to Article 26 of the Vienna Conventions of 23 May 1969 and 21 March 1986 on the law of treaties. And it submitted that, even if the transfer of the obligation to pay the tax in the form of an additional rental charge was based on a contract governed by private law, the contract clause concerned an illegal tax that was contrary to overriding rules of public policy and that a contract generating an obligation contrary to overriding rules of public policy or based on an illicit cause could not be enforced.

The Court of Cassation held that the request for reimbursement of the tax was based solely on the relevant clause in the lease and that the judgment against which the appeal was brought, giving Zurich the right to reimbursement, did not apply the Order and Regulation. It accordingly rejected the European Community's argument on grounds unrelated to provisions that might have been the subject

¹⁰⁸ Judgment of 26 September 2000 Case C-262/97 *Engelbrecht* [2000] ECR I-7321.

¹⁰⁹ C.Cass. (Belgium), 1ère chambre, Judgment of 1 March 2002, *Larcier - Cassation 2002 n° 1002* (résumé).

of the preliminary ruling and decided not to make the reference. Moving on to the validity of the clause in issue, it held that there was no violation of Article 23 of the Vienna Convention as the exemption in that Article was for the benefit of an accrediting State or head of mission, which was not the lessee's case. As for the Order of the Region of Brussels-Capital, the Court of Cassation held that this legal instrument, which had neither the object nor the effect of shifting the burden of the relevant tax on to the European Community, was not contrary to the immunities it enjoyed in direct tax matters under Article 3 of the Protocol on the Privileges and Immunities of the European Communities annexed to the Treaty of 8 April 1965.

The Court of Cassation accordingly rejected the European Community's appeal, the Community being therefore obliged to reimburse the amounts paid by Zurich by way of local and regional taxes.

In Spain, three judgments of the Tribunal Supremo in similar cases¹¹⁰ interpreted and applied les Articles 3 and 8(1)(B)(iv) of Regulation No 1224/80 on the valuation of goods for customs purposes¹¹¹ and annulled the judgments given by the Audiencia Nacional. The Spanish customs administration had considered that, for the determination of the valuation for customs purposes of certain goods imported by two Spanish companies from their Dutch holding companies between 1989 and 1992, payments for research costs flowing from a contract for general services between the subsidiaries and the holding company should be added to the price actually paid. These decisions were confirmed by the Audiencia Nacional. The Tribunal Supremo held that charging costs of "engineering, development, artwork, design work, and plans and sketches undertaken elsewhere than in the Community and necessary for the production of the imported goods", prescribed by Article 8(1)(B)(iv) of the Regulation, was possible only if the work was undertaken elsewhere than in the Community as the Regulation expressly provided. Since the holding company was in the Community, the Tribunal Supremo held that it was not possible to add research costs to the price actually paid.

A minority opinion written by one of the members of the chamber in one of the cases pointed out that Regulation No 1224/80 was not yet applicable in Spain at the material time. Under Articles 31 to 51 of the Act of Accession of Spain, import customs duties were abolished with effect from 1 January 1993. During the period between then and the date of accession, the earlier provisions on trade with third countries continued to apply for the determination of the value for customs purposes. The customs territorial was defined by existing agreements between Spain and the European Community in force on 31 December 1985. The relevant national provision was accordingly the GATT Code on value for customs purposes of 12 April 1979, whereby it would be necessary to add to the price actually paid the of engineering and design work "undertaken elsewhere than in the importing country", including work undertaken in the Netherlands.

The Tribunal Supremo also heard an action challenging a judgment upholding a decision of the customs administration. The decision determined the value for customs purposes of certain goods bought by a Spanish firm from a French company in the same group on the basis not of the transaction value as defined by Article 3(1) of Regulation No 1224/80,¹¹² which consists of the price actually paid,

¹¹⁰ Tribunal Supremo, Sala de lo Contencioso-Administrativo, Sección 2.ª, 11 December 2001, 19 December 2001 and 6 March 2002, recursos de casación n.º 4882/1996, 5628/1996 and 822/1997, respectively (RJA 2002/4089, 2002/4090 et 2002/3428).

¹¹¹ Council Regulation (EEC) No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes, OJ L 134, p. 1.

¹¹² Council Regulation (EEC) No 1224/80.

but of the transaction value charged in the event of sales between buyers and sellers not belonging to the same group of companies, in accordance with Article 2(3) of the Regulation. The latter provision allows the value to be determined “using reasonable means” if it is not possible to determine it by the means prescribed by Articles 4 to 7 of the Regulation. By judgment given on 10 May 2002¹¹³ the Tribunal Supremo held that whether the transaction value declared by the applicant was “acceptable for customs purposes” was a question of fact, the burden of proof being on the administration. Since there was no specific reference to this fact in the judgment appealed against and the only argument raised by the administration for rejecting as unacceptable the transaction value lay in the corporate links between buyers and sellers, the Tribunal Supremo annulled the judgment and the decision by the customs administration. This position was adopted despite the clear drafting of Article 3(2)(b) of the Regulation, whereby “in a sale between related persons, the transaction value shall be accepted and the goods valued in accordance with paragraph 1 whenever the importer demonstrates that such value closely approximates to one of the following ...” - the reference being to the criteria provided for by Articles 4 to 7, and Article 3(2)(c), which adds that the criteria are to be used “at the initiative of the importer”.

In France, the *Renie* case¹¹⁴ gave the Council of State an opportunity to record a violation of the Community principle of free movement of workers enshrined in Article 39 EC. The case focused on a provision of the Social Security Code. The Social Security (Miscellaneous Financial Measures) Act of 28 December 1979 provided for a health-care insurance contribution levied on all basic or supplementary pensions, wherever the pensioner resided (section L 241-2 of the Social Security Code). Where a worker had been employed in France but retired in another Member State and was not covered by a compulsory health-care insurance scheme in France, the effect was to cut the retirement pension by the amount of the contribution without any health-care benefits being available in return, this being the kind of anomaly that would deter a worker from going to work in France.

Eighteen years later, the Social Security (Finance) Act for 1998 (19 December 1997) repeated the provision. It laid down specific rates of health-care insurance contribution for persons not resident for tax purposes in France and covered by a compulsory health-care insurance scheme in France (section L. 131-7-1 of the Social Security Code); the status quo is maintained for non-resident pensioners not covered by a compulsory scheme.

The contribution rates are determined by decree: 1% for supplementary retirement pensions for persons not covered by a compulsory health-care insurance scheme in France, wherever they are resident for tax purposes; 3.8% for non-residents covered by a compulsory scheme (section D. 242-8 of the Social Security Code).

Mr Renie, former manager in a firm at Le Havre, decided in 1999 to retire to Hastings, in the United Kingdom, fell victim to this arrangement. The applicant, who received a pension from the general social security scheme and a supplementary pension, saw his pension cut by 3.8% on the basis of section D. 242-8 of the Social Security Code. He applied for annulment of the decision by the Minister of Employment and Solidarity implicitly refusing to repeal the section imposing a contribution for health-care, maternity, invalidate and death cover of 3.8% or 1% on retirement benefits other than those paid from the general scheme to persons not resident in France.

¹¹³ Tribunal Supremo, Sala de lo Contencioso-Administrativo, Sección 2.ª, Judgment of 10 May 2002, recurso de casación nº 740/1997 (RJA 2002/5527).

¹¹⁴ C.E., 3 April 2002, Rev. de jurisp. sociale 2002, p. 777-778.

The issue before the Council of State was the compatibility of these two rates of contribution with the Community principle of free movement of workers.

Regarding the 3.8% contribution levies on supplementary retirement pensions, it dismissed the applicant's argument based on violation of the equal treatment principle. It held that, the contribution borne mainly by persons not actually resident in France and not resident there for tax purposes and set at a rate 2.8 points higher than the contribution payable by persons resident for tax purposes in France for the same benefits, the difference in treatment, not based directly or indirectly on nationality, was justified by the fact that persons resident for tax purposes in France were required to pay the general social contribution. The purpose of the higher rate for non-residents was to restore equality.

Regarding the 1% contribution levied on retirement benefits other than those paid by the general social security scheme to persons not resident for tax purposes in France and not covered by a compulsory health-care insurance scheme in France, the Council of State accepted Mr Renié's arguments. Following the submissions of the Advocate-general, it held that requiring the contribution to be paid by persons receiving retirement benefits paid by reason of earlier employment in France who have decided to retire to another Member State of the European Community and therefore cannot be covered by a compulsory health-care insurance scheme in France and are ineligible for the benefits financed by the contribution, constitutes a barrier to the free movement of workers, contrary to Article 39 EC.

In another French case, *Griesmar*, the Council of State gave judgment on 29 July 2002,¹¹⁵ complying strictly with the preliminary ruling given by the Court of Justice on 29 November 2001¹¹⁶ on its reference of 28 July 1999.

The case focused on section L. 12)(b) of the Civil and Military Retirement Pensions Code, which allows a one-year bonus in pensionable years of service for each child, payable to "female civil servants". In the preliminary ruling of 29 November 2001, the Court of Justice, after stating unequivocally that the French pension scheme was within the scope of Article 119 of the Treaty establishing the European Economic Community, now Article 141 EC, held that, despite Article 6(3) of the Agreement annexed to Protocol 14 on Social Policy annexed to the Treaty on European Union, the principle of equal pay precluded a bonus for the calculation of pension entitlements of persons who have brought up children being reserved for women whereas men who had brought up their children were excluded.

The Council of State accordingly held in *Griesmar* that the relevant provision of the Civil and Military Retirement Pensions Code was incompatible with the equal pay principle laid down by the Treaty establishing the European Community and the Agreement annexed to Protocol 14 on Social Policy annexed to the Treaty on European Union.¹¹⁷ Consequently it held that the decision whereby the Minister of Economic and Financial Affairs and Industries refused to allow Mr Griesmar entitlement to the additional pensionable years provided for by section L. 12)(b) of the Civil and Military

¹¹⁵ C.E., 29 July 2002, Dalloz 2002, p. 2832.

¹¹⁶ Judgment of 29 November 2001 Case C-366/99 *Griesmar* [2001] ECR I-9383.

¹¹⁷ Article 6(3) of the agreement provides that a Member State may take measures to facilitate the exercise of professional activity by women or to prevent or offset their career disadvantages. Assessed on this basis, the additional amount could easily be regarded as justified in terms of the equal pay principle.

Retirement Pensions Code, even though he could show that he had brought up his children was unlawful and that the applicant was entitled to have it the Order of 1 July 1999 disallowing the entitlement annulled.

Griesmar this confirms, albeit implicitly, that retirement pensions are to be treated in the same way as wages and salaries; it also recalled that the equal opportunities principle applied to both women and men. Two months earlier, on 5 June 2002, the Council of State had taken the same line in *Choukroun*.

Mr Choukroun's wife was a policewoman responsible for speed checks on the Paris boulevard périphérique; she was shot dead while on duty on 20 February 1991. The applicant's request for a widower's reversionary pension was rejected on the basis of section L. 50 of the Civil and Military Retirement Pensions Code, which provides that the pension entitlement of a female civil servant is suspended as long as there is an orphan receiving a reversionary pension available immediately, and is until the orphan has reached the minimum pensionable age, generally 60. Sections L. 38 *et seq.* of the Code do not preclude immediate entitlement to a reversionary pension where the surviving spouse is a woman, even if there is an orphan.

Mr Choukroun therefore pleaded the incompatibility of section L. 50 of the Civil and Military Retirement Pensions Code with Article 141 EC, on the ground that there were unwarranted differences in the conditions for eligibility for a reversionary pension depending on the sex of the surviving spouse.

As in *Griesmar*, the Council of State first considered the applicability of Article 141 EC. Considering that the reversionary pension scheme was not to be distinguished from the general civil service retirement pensions scheme, it held that pensions paid under the Civil and Military Retirement Pensions Code, including reversionary pensions, were covered by Article 141 CE.

Secondly, regarding eligibility for reversionary pensions, it held that section L. 50 of the Civil and Military Retirement Pensions Code contained "discrimination between male and female civil servants, not justified by any difference in their situation as regards the award of the relevant pensions". There was accordingly no basis in law for the refusal to accept Mr Choukroun's request for the immediate award of a reversionary pension following his wife's death.

In Ireland, in *Minister for Arts, Heritage, the Gaeltacht and the Islands v. Kennedy*,¹¹⁸ the High Court rejected an application for a permanent injunction prohibiting the execution of work thought to be about to commence on a conservation site listed in accordance with the European Communities (Natural Habitats) Regulations, 1997. These national regulations transposed into Irish law Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ("the habitats directive").¹¹⁹

The third subparagraph of Article 4(2) of the habitats directive reads: "The list of sites selected as sites of Community importance, identifying those which host one or more priority natural habitat types or priority species, shall be adopted by the Commission in accordance with the procedure laid down in Article 21." The importance of the list is clear from Article 4(5), which provides: "As soon as a site is placed on the list referred to in the third subparagraph of paragraph 2 it shall be subject to Article

¹¹⁸ [2002] ILRM 94.

¹¹⁹ OJ L 206, p. 7.

6 (2), (3) and (4).” Article 6(2) requires Member States to “take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive”. By Article 6(3), “Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public”.

Section 17 of the national regulations, in terms similar to Article 6(3) of the habitats directive, requires a proper assessment to be made of the impact on the site of any project not directly related to or necessary for the management of the site but liable to significantly affect it, in the light of the conservation objectives of the site. If the Minister, having regard to the conclusions of the assessment, is of the opinion that the plan or project may adversely effect the integrity of the site, he must apply for an injunction prohibiting it.

The Minister’s application was made under section 17. The court and counsel for the two parties agreed that, when the Minister applied for the injunction, the relevant conservation site was not on the Commission list in accordance with the third subparagraph of Article 4(2) of the habitats directive, the parties proceeding on the basis of the judgment given by the Court of Justice in Case C-67/99 *Commission v Ireland* ([2001] ECR I-5757), finding that Ireland had not fulfilled its obligations under the directive. By Article 4(1) these obligations involved transmission of a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host. But the court noted that at the time of the application for an injunction, the site was on the list that was to be established by national regulations so that it was possible to issue the injunction accordingly. But it held that the injunction would be possible a proper assessment of the impact of the plan or project on the site, preferably an “environmental impact assessment”, in the light of the conservation objectives of the site, even though the Minister had argued that the possibility of applying for the injunction flowed from the actual directive.

In Ireland also, the applicant in¹²⁰ challenged Council Regulation (EC) No 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources.¹²¹ But the High Court was able to decide the case by annulling the Sea Fisheries (Drift Nets) Order, 1998¹²² for violation of the first subparagraph of Article 15.2.1° of the Irish Constitution, whereby “The sole and exclusive power of making laws for the State is hereby vested in the Oireachtas [Parliament]: no other legislative authority has power to make laws for the State.” The problem was that the Minister had given effect to certain obligations under Council Regulation (EC) No 1239/98¹²³ of 8 June 1998, amending Regulation (EC) No 894/97 by subordinate legislation and not by Act of Parliament.

Regulation No 1239/98 required measures to be taken in the event of failure to comply with the

¹²⁰ High Court, 6 March 2002.

¹²¹ OJ L 132, p. 1.

¹²² S.I. 267 of 1998.

¹²³ OJ L 171, p. 1.

obligations it imposed. The Regulation was implemented by Ministerial Order, the Sea Fisheries (Drift Nets) Order, 1998, which created indictable offence. But, since section 3(iii) of the European Communities Act, 1972, enabling Community measures to apply in Irish law, expressly prohibits the implementation ministerial regulations creating new offences, the Minister issued the Order on the basis of the Fisheries (Consolidation) Act, 1959. The High Court held that this was not the proper Act on which to base the enforcement of Community measures. Moreover the use of it as a legal basis excluded the application of section 4 of the European Communities Act, 1972, which provides for parliamentary review of instruments transposing Community law. Consequently the transposal of Regulation No 1239/98 by Ministerial Order instead on Act of Parliament not only violated the Oireachtas' monopoly power to make legislation but also contributed to the democratic deficit in the transposal of Community law.

By Order 135 made on 11 April 2002¹²⁴ the Italian Constitutional Court dismissed the challenge to constitutionality of sections 189 and 266 to 271 of the Code of Criminal Procedure, and in particular section 266 concerning the admissibility of interceptions of conversations or communications, the question having been referred by the investigating judge at the Tribunal in Alba. The second paragraph of section 266 expressly excluded the admissibility in evidence of interceptions of communications between persons in the places specified in section 614 of the Criminal Code, i.e. private dwellings. This also excluded video recordings in the same places. A special authorisation from the relevant court was required in accordance with section 189 of the Code of Criminal Procedure.

The question was raised in view of the risk of a conflict between these rules and the principles of non-discrimination (Article 3 of the Constitution) and the inviolability of the home (Article 14 of the Constitution).

For its constitutional review of the second paragraph of section 266, the Court began by considering the question whether interceptions of communications in private dwellings are generally prohibited by constitutional rules. It held that the second paragraph of Article 14 of the Constitution allows restrictions to be placed on the principle of the inviolability of the home to allow inspections, searches and seizures. It therefore allows the possibility of intrusions into private dwellings for law-enforcement purposes. The Court also noted that even the principles of the secrecy of communications and the right to personal freedom, of which the inviolability of the home is a sub-categories, can be restricted on grounds of public health and public security and economic and tax grounds.

The Court held that the illegality of the restriction on the inviolability of the home was not borne out by the European Human Rights Convention (Article 8), nor by the International Covenant on Civil and Political Rights (Article 17), nor by the Charter of Fundamental Rights of the European Union (Article 7 and 52), which, "though not legally binding", may be taken into by the Constitutional Court since it expresses principles that are common to the legal systems of Europe.

On the other hand the Constitutional Court held that it was not possible to make exceptions from the principle that video recordings in private dwellings are unconstitutional when they do not concern communications between persons. In such cases, the only factor that is relevant is the intrusion in the home and therefore the restriction of the right to inviolability. But even if both the freedom of the home and the freedom of communication – as also secured by the European Convention, the International Covenant and the Charter of Fundamental Rights of the European Union – are both

¹²⁴ GURI 2002. SS, Edit. strz. p. 26.

aspects of the general protection of private life, they serve a different purpose. Video recording that do not concern communications between individuals can therefore be admitted in evidence only if expressly provided for by statute. They must be regulated by legislation in compliance with the constitutional guarantees of Article 14 of the Constitution.

Still in Italy, in another judgment (No 445 of 24 October -12 November 2002¹²⁵) the Constitutional Court refers to the Charter of Fundamental Rights of the European Union as a basis for constitutional review of an Italian statutory provision allowing only single and widowed persons to sit the entrance examination for the *Guardia di finanza* (fraud squad). The Court held that the provision violated the fundamental right to marry secured by Articles 2 and 29 of the Constitution, Article 16 of the Universal Declaration of Human Rights, Article 12 of the ECHR and Article 9 of the Charter of Fundamental Rights of the European Union.

Hearing a legal aid application, the Court of Appeal at Rome held, in an Order made on 11 April 2002,¹²⁶ that the right to legal aid was based not only on the Constitution but also on the European Human Rights Convention, whose principles had been received into Community law by Article 6 of the Treaty on European Union.

It added that the right was secured by Article 47 of the Charter of Fundamental Rights of the European Union, which, even if it was not yet inserted in the Treaties, was ‘now to be regarded as fully applicable as a vital point of reference not only for the activities of the Community institutions but also for courts in European interpreting the law, so much so that it is constantly referred to in instruments issued by the European institutions and regularly also in submissions by the Advocate-general in the Court of Justice of the European Communities’.

The Italian Constitutional Court was asked for a constitutional ruling on the first paragraph of section 19 of Decree 688 of 30 September 1982 on the repayment of taxes wrongly charged. The referring court referred a question on the conformity of the provision with the principle of non-discrimination laid down by Article 3 of the Constitution on the ground that, by placing on applicants for reimbursement the burden of proving that the economic loss was not borne by other individuals, the provision, applied only to domestic taxes and not to those provided for by Community law. By judgment No 332 given on 1 July 2002,¹²⁷ the Constitutional Court answered the question in the affirmative since, for taxes contrary to Community law, section 29 of Act 428 of 29 December 1990 placed the burden of proving their impact on other individuals on the tax authorities and not on individuals.

Still in Italy, the Ministry of Finance brought an appeal in cassation against a decision of the Tax Commission for the Friuli-Venezia Giulia Region confirming the decision of the Tax Commission of first instance accepting an appeal by two firms. They had challenged the authorities’ refusal to allow them the tax relief provide for by regional legislation following a decision by the European Commission declaring the tax relief incompatible with the common market. By judgment No 17564 given on 20 December 2002,¹²⁸ the Court of Cassation upheld the Ministry’s appeal. It recalled that, on the basis of both community and Italian case-law, since the decision contained provisions that were

¹²⁵ GURI 2002, SS n° 46, p. 15.

¹²⁶ Giurisprudenza costituzionale 2002, p. 2221-2224.

¹²⁷ Diritto e pratica tributaria 2002 II, p. 1223-1227.

¹²⁸ Il fisco: giornale tributario di legislazione e attualità 2002, p. 17800.

unconditional and sufficiently precise, it had direct effect and prevailed over instruments of domestic law. The tax authorities had accordingly been right to apply the Commission decision direct to refuse to allow the firms the tax relief provided for by the regional legislation providing for state aids that were incompatible with the common market.

The Court also ruled for the first time on the potential effects of the new Article 117 of the Italian Constitution on the principles governing the relationship between domestic and Community law. The Article provides that “the power to make legislation shall be exercised by the State and the regions in compliance with the Constitution, *the obligations flowing from the Community legal order and international obligations*”. The problem of interpretation that arose was whether the reference to obligations of Community law was a new parameter for constitutionality of national legislation, entailing the invalidity of all provisions contrary to Community law and the jurisdiction of the Constitutional Court to rule whether they were or not compatible with Community law. The Court of Cassation held that, if that interpretation was followed, the structure of the relationship between the two legal orders would be distorted as, in the event of a conflict between a domestic instrument and Community law, the courts would always have to put the question constitutionality of the domestic instrument to the Constitutional Court. That would definitively destroy the primacy of Community law over Italian law.

In the Netherlands, two judgments given by the Raad van State on 23 October 2002¹²⁹ concerned Article 3(4) of Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community. It begins by holding that this is a directly applicable provision. Authorisations to emit substances on the “black list” had been issued for an unlimited period contrary to Article 3(4) of the directive.

The Raad van State departed from earlier decisions concerning the direct effect of Community instruments in a triangular relationship between a public authority, the holder of an authorisation and a third party. Under those decisions, an administrative must automatically apply the provisions of Community directive that are unconditional and sufficiently precise even if they have not been transposed into domestic law in the time allowed and even if doing so has adverse consequences for individuals. It now held that such provisions are directly applicable to the detriment of individuals only if a third party has based a claim directly on them. But there are doubts as to the questions conformity of this position with Court of Justice cases such as *Fratelli Constanzo*,¹³⁰ *Kraaijeveld*,¹³¹ *Kolpinghuis*,¹³² *Busseni*¹³³ and *Arcaro*.¹³⁴

But another judgment, given on 13 November 2002, seems to depart from the new decisions of 23 October 2002¹³⁵ by holding that “where the conditions in which individuals can plead a directive in

¹²⁹ Raad van State, afdeling bestuursrechtspraak, A./Dagelijks Bestuur van het Hoogheemraadschap van West-Brabant, AB Rechtspraak Bestuursrecht 2002, 417 and A./Dijkgraaf en hoogheemraden van het Hoogheemraadschap Amstel, AB Rechtspraak Bestuursrecht 2002, 418.

¹³⁰ Judgment of 22 June 1989 Case 103/88 *Fratelli Costanzo v Comune di Milano* [1989] ECR 1839.

¹³¹ Judgment of 24 October 1996 Case C-72/95 *Kraaijeveld and others* [1996] ECR I-5403.

¹³² Judgment of 8 October 1987 Case 80/86 *Kolpinghuis Nijmegen* [1987] ECR 3969.

¹³³ Judgment of 22 February 1990 Case C-221/88 *CECA v Busseni* [1990] ECR I-495.

¹³⁴ Judgment of 26 September 1996 Case C-168/95 *Arcaro* [1996] ECR I-4705.

¹³⁵ Raad van State, afdeling bestuursrechtspraak, A. Bosscher/Burgemeester en Wethouders van Lochem, AB Rechtspraak Bestuursrecht 2003, 26.

the national court are met, every public authority must apply such provisions”. This suggests that it is no longer for a third party to plead the disposition direct.

In the United Kingdom, following the judgment of the Court of Justice in *Arsenal Football Club Plc v Matthew Reed*,¹³⁶ the referring court held¹³⁷ that the Court had acted *ultra vires* and that there was therefore no need to follow its decision. The case concerned a trademark violation. In 1989, Arsenal Football Club registered the words “Arsenal” and “Arsenal Gunners” and the cannon and shield emblem as trademarks for a wide range of merchandise. Since 1970 Mr Reed had been selling football souvenirs and memorabilia that virtually all bore symbols referring to Arsenal at a number of stalls outside the football ground. He informed his customers that these were not official souvenirs by placing a large signboard clearly stating the origin of the products. Arsenal FC criticised Mr Reed for selling products using symbols identical to those that it had registered and launched a trademark violation action. The national court put two questions to the Court of Justice for preliminary rulings on the interpretation of Community trademark law. The first was whether the holder of a trademark that has been validly registered may prevent third parties in business life from using that mark on products that are identical to those for which the mark was registered where such use entails no statement as to the origin of the products. The second concerned the impact on the trademark holder’s rights of the fact that the general public might perceive the mark as a badge of support for or loyalty or affiliation to the trademark proprietor.

The Court of Justice recalls that the primary purpose of a trademark is to provide the consumer with a guarantee as to the true origin of a product or service, allowing him to distinguish it without any risk of confusions from goods of a different origin. The purpose of the exclusive nature of the right conferred by the registered trademark on the proprietor under Article 5(1)(a) of Directive 1989/104/EEC to approximate the laws of the Member States relating to trade marks is to protect this essential function and cannot be justified on any other ground. “The proprietor may not prohibit the use of a sign identical to the trade mark for goods identical to those for which the mark is registered if that use cannot affect his own interests as proprietor of the mark, having regard to its functions. Thus certain uses for purely descriptive purposes are excluded from the scope of Article 5(1) of the Directive because they do not affect any of the interests which that provision aims to protect, and do not therefore fall within the concept of use within the meaning of that provision”.¹³⁸

According to Justice Laddie, the Court observed that where it was not the defendant’s intention that his use of the trademark should be seen as an indication of origin and the use is not so perceived by the public, there is no infringement. The Court of Justice ought therefore to have answered the first of the questions referred to it in the affirmative. But it had answered neither in the affirmative nor in the negative, merely observing that “in circumstances such as those in the present case” the trademark proprietor could rely on Article 5(1)(a) of the Directive to prevent that use.

Justice Laddie refers to paragraph 61 of the judgment: “Once it has been found that, in the present case, the use of the sign in question by the third party is liable to affect the guarantee of origin of the goods and that the trade mark proprietor must be able to prevent this, it is immaterial that in the context of that use the sign is perceived as a badge of support for or loyalty or affiliation to the proprietor of the mark.”

¹³⁶ Judgment of 12 November 2002 Case C-206/01 *Arsenal Football Club* [2002] ECR I-10273.

¹³⁷ [2002] EWHC 2695 (ch.), ALLER (2003) Vol. I, p. 137-147.

¹³⁸ Ibid. point 54.

He considers that the court has come to a finding of fact, namely that use of the sign is liable to affect the origin of the goods. Examining the words “Once it has been found”, he states that it was the court that made the finding, contradicting that of the High Court. Concluding that the Court of Justice acted *ultra vires*, Justice Laddie held himself not bound by its conclusions. But he did state that he was bound to follow the Court of Justice’s findings as to the law applicable to the facts as found by the High Court.

Also in the United Kingdom, in *Secretary of State for the Home Department v International Transport Roth GmbH and others*,¹³⁹ the Court of Appeal (Civil Division) upheld on appeal a decision of the High Court that legislation imposing penalties on lorry-drivers transporting illegal immigrants was contrary to the European Human Rights Convention. But the decision was set aside in so far as it declared that there was a violation of Community law on the free movement of goods.

To stem the flow of illegal immigration, the British Government enacted the Immigration and Asylum Act 1999 providing among other things for penalties of £2000 per person to be imposed either on the owner or on the driver or on any other person involved where illegal immigrants were detected in lorries. The authorities were given the right to hold the lorry until the fine was paid. There was a right of objection to the Home Secretary, but the fines were imposed by administrative authorities without prosecution, the burden of proof being on the carrier. The High Court, in which an action was brought by fifty or so carriers and drivers challenging the legislation as contrary to the European Human Rights Convention and Community law on the free movement of goods, accepted their arguments. The Home Secretary appealed.

On the Community law aspect, the Court of Appeal, by a majority, following the judgment given by the Court of Justice on 5 October 1994 in C-280/93 *Germany v Council* [1994] ECR I-4973, expressly cited, accepted the Home Secretary’s argument that the potential impact of the fines on carrier’s business decisions to reduce their services to the UK or to use different ports or shipping lines was too indirect and uncertain to be a restriction on intra-Community trade or a measure with equivalent effect.

Regarding the European Human Rights Convention, the Court was not unanimous. Lord Justice Laws fully accepted the Home Secretary’s arguments but Lord Justice Parker regarded the fines scheme as unjust on carriers and contrary to Article 6 of the Convention. Lord Justice Brown acknowledged that the scheme did not directly violate the Convention but that it was unjust on carriers. In any event, the decision of the court below was upheld on this point.

Lord Justice Simon Brown said: “Difficult and worrying as I have found this case to be, in the last analysis, affording all such deference as I believe I properly can to those responsible for immigration control and for devising and enacting the legislation necessary to achieve it, I have come to regard this scheme as, quite simply, unfair to carriers.”

Also in the UK, in an appeal judgment in the “metric martyrs” case,¹⁴⁰ the High Court (Divisional Court) specified how the implementation and primacy of Community law proceeded for constitutional purposes in the UK.

¹³⁹ (2002) EWCA Civ 158.

¹⁴⁰ *Thoburn v Sunderland City Council*; *Hunt v Hackney London Borough Council*; *Harman and others v Cornwall County Council*; *Collins v Sutton London Borough Council* (2002) CMLR p. 1461-1500.

Five traders had been prosecuted for breach of provisions imposing the metric system of weights and measures. Four of them were prosecuted for offences against the UK legislation, and a fifth failed in his application for renewal of his licence to sell in public markets, on the ground that they all calculated the prices of their goods (fruit and vegetables, and in one case fish) on the basis of the imperial system of weights rather than the metric system. The metric system was compulsory in the UK under the Weights and Measures (Metrication Amendments) Regulations 1994, adopted to transpose Directives 80/181 and 89/617.

They challenged the validity of the Regulations, which amended an Act of Parliament, the Weights and Measures Act 1985. There is a provision in the European Communities Act 1972 ("ECA") enabling the executive to do this, known as the "Henry VIII clause" after that King's absolutist habits, and that was the clause used as a basis for the obligation to use the metric system. They argued that the Henry VIII clause in the 1972 Act had been implicitly repealed by the 1985 Act.

On the basis of a detailed analysis of the implementation of and compliance with the principle of the primacy of Community law in the United Kingdom, Lord Justice Laws stated that at common law the ECA "is a constitutional statute: that is, it cannot be impliedly repealed". The other arguments –in particular that the Henry VIII clause could be used solely to make minor amendments – were also rejected, and the appeals failed.

Lord Justice Laws summed up the relationship between Community law and the law of the United Kingdom as follows: "(1) All the specific rights and obligations which EU law creates are by the ECA incorporated into our domestic law and rank supreme: that is, anything in our substantive law inconsistent with any of these rights and obligations is abrogated or must be modified to avoid the inconsistency. This is true even where the inconsistent municipal provision is contained in primary legislation. (2) The ECA is a constitutional statute: that is, it cannot be impliedly repealed. (3) The truth of (2) is derived, not from EU law, but purely from the law of England: the common law recognises a category of constitutional statutes. (4) The fundamental legal basis of the United Kingdom's relationship with the EU rests with the domestic, not the European, legal powers. In the event, which no doubt would never happen in the real world, that a European measure was seen to be repugnant to a fundamental or constitutional right guaranteed by the law of England, a question would arise whether the general words of the ECA were sufficient to incorporate the measure and give it overriding effect in domestic law. But that is very far from this case".

ISSN 0254-1475

COM(2003) 669 final

DOCUMENTS

EN

01 06 09 11

Catalogue number: KT-CO-03-719-EN-C



Publications Office

Publications.eu.int