



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.6.2002  
COM(2002) 324 final

**NINETEENTH ANNUAL REPORT ON MONITORING THE  
APPLICATION OF COMMUNITY LAW (2001)**

**NINETEENTH ANNUAL REPORT ON MONITORING THE APPLICATION OF  
COMMUNITY LAW (2001)**

**TABLE OF CONTENTS**

1.	Introduction.....	6
1.1.	Statistics for 2001.....	7
1.2.	Improvements in the pre-litigation procedure.....	9
1.3.	Transposal of directives .....	10
1.4.	Applications for derogations from harmonisation measures – Article 95 of the EC Treaty .....	10
1.5.	Application of international agreements adopted by the Community and of the law derived from such agreements .....	11
1.6.	Graphical overview of all the infringement proceedings commenced or handled by the Commission during 2001 .....	12
1.7.	Application by the Commission of Article 228 of the EC Treaty (developments in 2000) .....	14
2.	Situation sector by sector .....	16
2.1.	Economic and financial affairs.....	16
2.2.	Businesses .....	16
2.2.1.	Chemicals.....	17
2.2.2.	Pharmaceuticals .....	18
2.2.3.	Cosmetics.....	18
2.2.4.	Capital goods.....	19
2.2.5.	Motor vehicles, tractors and motorcycles .....	20
2.2.6.	Preventive rules provided for by Directive 98/34/EC.....	20
2.2.7.	Other sectors.....	22
2.3.	Competition.....	22
2.3.1.	Telecommunications .....	22
2.3.2.	Postal services .....	24
2.3.3.	State aid.....	24
2.4.	Employment and social affairs.....	24
2.5.	Agriculture .....	26
2.6.	Energy and transport .....	30
2.6.1.	Internal market for electricity and natural gas .....	30

2.6.2.	Energy efficiency .....	30
2.6.3.	Oil and gas .....	31
2.6.4.	External relations in the energy field .....	31
2.6.5.	Road transport .....	31
2.6.6.	Combined transport .....	33
2.6.7.	Inland waterways .....	33
2.6.8.	Rail transport .....	33
2.6.9.	Air transport .....	34
2.6.10.	Transport by sea .....	35
2.7.	Information society .....	37
2.8.	Environment .....	39
2.8.1.	Introduction .....	39
2.8.2.	Freedom of access to information .....	41
2.8.3.	Environmental impact assessment .....	42
2.8.4.	Air .....	43
2.8.5.	Water .....	44
2.8.6.	Nature .....	46
2.8.7.	Noise .....	47
2.8.8.	Chemicals and biotechnology .....	47
2.8.9.	Waste .....	48
2.8.10.	Environment and industry .....	50
2.8.11.	Radiation protection .....	50
2.9.	Fisheries .....	52
2.10.	Internal market .....	52
2.10.1.	Free movement of goods .....	52
2.10.2.	Free movement of services and right of establishment .....	53
2.10.3.	The business environment .....	55
2.10.4.	Regulated professions (qualifications) .....	57
2.11.	Regional policy .....	58
2.11.1.	Analysis of causes .....	58
2.11.2.	Effects of infringement situations .....	58

- 2.12. Taxation and customs union ..... 58
  - 2.12.1. Customs union..... 58
  - 2.12.2. Direct taxation..... 59
  - 2.12.3. Value added tax..... 60
  - 2.12.4. Other indirect taxes ..... 62
- 2.13. Education, audiovisual media and culture ..... 63
  - 2.13.1. Education ..... 63
  - 2.13.2. Audiovisual media ..... 64
    - 2.13.2.1. Progress in transposing the revised Directive ..... 64
    - 2.13.2.2. Application of the Directive..... 64
    - 2.13.2.3. Enlargement-related questions ..... 66
- 2.14. Health and consumer protection ..... 66
  - 2.14.1. Veterinary legislation ..... 66
  - 2.14.2. Plant health legislation ..... 67
  - 2.14.3. Legislation on seeds and plants..... 67
  - 2.14.4. Food legislation..... 67
  - 2.14.5. Animal feedingstuffs legislation ..... 68
  - 2.14.6. Consumer protection ..... 68
  - 2.14.7. Notification of technical rules..... 69
- 2.15. Justice and home affairs ..... 69
  - 2.15.1. Establishment of an area of freedom, security and justice..... 69
  - 2.15.2. Monitoring the application of instruments based on Title VI of the EU Treaty ..... 70
  - 2.15.3. The Charter of Fundamental Rights ..... 70
  - 2.15.4. The right of citizens of the Union to move freely..... 71
- 2.16. Budget ..... 71
  - 2.16.1. Previously initiated proceedings ..... 72
  - 2.16.2. New proceedings..... 72
- 2.17. Personnel and administration ..... 72
- 2.18. Community statistics..... 72

- ANNEX I: DETECTION OF INFRINGEMENT CASES
- ANNEX II: INFRINGEMENT PROCEEDINGS - BREAKDOWN BY STAGE REACHED, LEGAL BASIS, MEMBER STATE AND SECTOR
- ANNEX III: INFRINGEMENTS OF TREATIES, REGULATIONS AND DECISIONS
- ANNEX IV – PROGRESS IN IMPLEMENTING DIRECTIVES  
PART 1: DIRECTIVES WITH A DEADLINE FOR TRANSPOSAL IN 2001  
PART 2: NOTIFICATION AND NON-NOTIFICATION OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES
- ANNEX IV – PART 2: SUMMARY TABLE  
PART 3: INFRINGEMENTS FOR NON-CONFORMITY  
PART 4: INFRINGEMENTS FOR INCORRECT APPLICATION OF NATIONAL MEASURES IMPLEMENTING THE DIRECTIVES
- ANNEX V: JUDGMENTS OF THE COURT OF JUSTICE UP TO 31.12.2001 NOT YET IMPLEMENTED
- ANNEX VI: APPLICATION OF COMMUNITY LAW BY THE NATIONAL COURTS: A SURVEY

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. INTRODUCTION

Whereas, as the White Paper published by the Commission in 2001 also emphasises, prime responsibility for applying Community law lies with national administrations and Courts, it falls to the Commission to monitor the transposal of Community law where necessary, the compatibility with Community law of the national provisions transposing that law and the proper application of Community law by various bodies in the Member States.

The White Paper on European Governance points out that the impact of Community law “depends on the willingness and capacity of Member State authorities to ensure that they are transposed and enforced effectively, fully and on time”.

The Commission’s activity in monitoring the application of Community law covers Community law in its entirety. As such, it is not unusual for the Commission to take action against a Member State for adopting or maintaining legislation or rules which are contrary to the fundamental principles of Community law as enshrined in the Treaties.

Within this framework, cooperation between administrative bodies in the Member States and the Commission forms a vital component of the Commission’s remit, as vested in it by the Treaties, to act as the guardian of Community law.

In this spirit the Commission seeks to promote, at all stages of infringement proceedings, contacts between its departments and the national administrations. The primary objective of infringement proceedings (Article 226 EC and Article 141 Euratom), particularly in the pre-litigation stage, is to encourage the Member State involved to comply voluntarily with Community law as quickly as possible. Optimal exploitation of the pre-litigation stage is thus the best way of achieving the objectives vested in the Commission by the Treaties.

This duty of cooperation is formally enshrined in Article 10 of the EC Treaty.

The Commission was obliged to activate these provisions on twenty occasions in 2001 when Member States had failed to cooperate on infringement proceedings. Eight of these sets of proceedings were still ongoing at 31 December 2001. This represents an increase in relation to 2000, when only seven sets of proceedings were started under Article 10; four of them were still ongoing at 31 December 2001. However, the Commission starts Article 10 proceedings only where the Member State in question has repeatedly failed to cooperate; as such, these figures do not include delays in processing files which result from national administrations taking an excessive time to reply within the framework of infringement proceedings.

The Article 10 procedure is not necessary - and therefore is not used - where the Commission has the information needed to proceed to the next stage of proceedings.

This is why it is vital for the Commission to have the information it needs to carry out its duties, including outside the framework of direct contact with the authorities of the Member States.

The numerous complaints received from European citizens constitute essential information which enables the Commission to carry out its duties properly. In the interest of ensuring the greatest possible transparency in the management of complaints submitted by citizens, the Commission is to publish in 2002 a consolidated version of the administrative measures it takes in its relations with complainants in respect of alleged infringements of Community law.

The nineteenth annual report on monitoring the application of Community law reports on the Commission's activities in connection with monitoring the application of Community law in 2001.

With a view to addressing Parliament's call in its resolution on the eighteenth annual report for a more analytical, less descriptive approach to the Commission's work in this field, this report places the Commission's monitoring of the application of Community law, where possible, in the context of the Community's political and legislative programme.

A general description of the use made by the Commission of the infringement procedure as a prelude to formal proceedings takes the following form:

- a statistical overview showing the various stages involved in monitoring the application of Community law and statistical trends in relation to the previous year (point 1.1);
- improvements in the pre-litigation procedure (point 1.2);
- transposal by the Member States of Community Directives (point 1.3);
- applications for derogations from harmonisation measures – Article 95 of the EC Treaty; this section is in response to Parliament's requests (point 1.4);
- application of the international agreements adopted by the Community and the law derived from those agreements; this section is in response to Parliament's request (point 1.5);
- a graphical overview, by Member State, of all the infringement proceedings commenced or handled by the Commission during 2001;
- an overview of the use made by the Commission, since the entry into force of the Maastricht Treaty, of the penalty mechanism provided for in Article 228 of the EC Treaty.

### **1.1. Statistics for 2001**

The statistics for 2001 reflect, once again, a degree of stability in the number of complaints registered by the Commission: up slightly on 2000 but still below the

number recorded in 1999. Complaints still form the bulk of infringement proceedings initiated by the Commission against the Member States, and a corresponding decline is observed in the number of cases opened by the Commission on the basis of its own investigations.

The statistics for 2001 can be summed up as follows:

- The **total** number of infringement cases initiated by the Commission is **down 11.65%**, the lowest figure since 1999.
- The number of **complaints** registered by the Commission increased in 2001 (6.12% up on 2000) but remains slightly below the 1999 record. In 2001 complaints accounted for six infringement cases out of ten initiated by the Commission in that year.

Inversely, the Commission opened a smaller number of cases based on its own investigations than in previous years. In 2001 there were 273 such cases, excluding infringement proceedings for failure to communicate national transposal measures.

The number of proceedings for failure to notify is down to the lowest level since 1996.

– **1 050 letters of formal notice** were issued in 2001, 25.43% down on 2000, when 1 317 notifications were registered. However, it should be emphasised that because the backlog in operations for the issue of formal notice had been cleared by the beginning of 2000, the particularly high number of letters of formal notice based on failure to communicate national transposal measures had inflated the year's figures. The 2001 figure should therefore be compared with the 1999 figure (1075), suggesting a degree of stability.

It should be noted that the time necessary for operations for the issue of formal notice based on failure to notify had been considerably reduced in 2000 and that this trend continued in 2001 thanks to the continued development of the Asmodée II “directives” database.

– The number of **reasoned opinions** rose in 2001 from 460 to 569, an increase of 23.7%. However, reasoned opinions as a proportion of outstanding files remains stable (27.80% in 2001 against 23.76% in 2000). The sudden upturn in 2001 therefore seems to be largely due to the considerable increase in the speed of notification to Member States (reduced from 29 calendar days to approximately 24 hours on average): thus, for the first time, the reasoned opinions issued in December 2001 were notified during that same year. Accordingly, the figures for 2001 represent the total number of reasoned opinions issued in December 2000 and those issued in December 2001. Only by examining the 2002 figures can the trend be determined.

– The number of **cases referred to the Court of Justice** fell by 5.82%, from 172 in 2000 to 162 in 2001. But this slight decrease must be seen against the higher number of reasoned opinions in 2001 and the reduction in processing times for reasoned opinion decisions and referral decisions. The rate of referrals is fairly stable (up from 9.77% to 10.33%).



– **Processing times have increased** slightly for letters of notice, 73% of them relating to infringement proceedings commenced in 2001. But they are down for reasoned opinions, with only 23% of reasoned opinions served concerning proceedings commenced in that year, against 14% in 2000. However, the slight increase in processing times for letters of notice must be relativised in view of the significant number of letters of formal notice based on failure to notify issued in 2000; the opening of those files is linked to notification of the letter of formal notice; the only element of complaint, i.e. failure to notify, is established purely on the basis that the deadline for transposal has passed.

But overall, processing times have not increased. Whereas 49% of cases opened in 2000 were still pending at 31 December 2000, as at 31 December 2001 the corresponding figure for files opened in 2001 was 45.77%.

– At the same time, the efficiency of the pre-litigation procedure was confirmed by the number of **termination** decisions, which stabilised at 1 915 in 2001 (1 899 in 2000);

– Lastly, the Commission's policy of transparency intensified in 2000, chiefly through greater use of the internet as a means of disseminating information (see below). Since 17 January 2001, the Commission has announced all recent decisions to issue letters of formal notice and reasoned opinions, to refer cases to the Court of Justice and to terminate cases on the Secretariat-General's Europa website at:

[http://europa.eu.int/comm/secretariat\\_general/sgb/droit\\_com/index\\_en.htm](http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm) - infractions

All this information is now freely accessible, whereas it used to be available only to the Member State concerned. The Commission also issued 93 press releases in 2001.

## 1.2. **Improvements in the pre-litigation procedure**

The two main improvements to infringements proceedings in 2001 concern compliance with decisions and arrangements for notifying them.

- As stated in the 18th annual report, the Commission has sought to reduce the time elapsing between the adoption of its infringement decisions and their notification to the Member States. Thus the streamlining work carried out reduced the time taken to issue letters of formal notice and reasoned opinions to the Member States concerned via their Permanent Representation from 29 days to 24 hours.

This was made possible by creating standard models for letters of formal notice and reasoned opinions and streamlining administrative procedures between the decision and its notification.

The time taken to comply with referral decisions has also been reduced, but this is less significant. In most cases this serves for the last contacts with the Member State concerned in a bid to encourage voluntary alignment rather than refer the matter to the Court of Justice.

- Improvements to infringement proceedings were also designed to increase the transparency of decisions adopted by the Commission in the field. As stated in the previous report, all recent decisions to issue letters of formal notice and reasoned

opinions, to refer cases to the Court of Justice and to terminate cases are now available on the Secretariat-General's Europa server at:

[http://europa.eu.int/comm/secretariat\\_general/sgb/droit\\_com/index\\_en.htm](http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm) - infractions.

Making this information available on the internet makes it more accessible to the general public and encourages a "peer pressure" effect between Member States.

The frequency of internet updates was also increased; as of July 2001 they take place every six months.

### 1.3. Transposal of directives

The table below gives an overall picture of the rate of notification of national measures implementing all the directives applicable on 31 December 2001.

As at 31 December 2001 the Member States had on average notified 97.41% of the national measures needed to implement the directives. This figure represents a clear improvement in the transposal situation in 2000 (96.59%) and is the highest rate achieved since 1992.

However, this average rate is below the target of 98.5% set by the Stockholm European Council for the transposal of internal market legislation. In terms of all Community legislation for transposal, only Denmark and Spain have reached that target.

The following table provides an overview of the situation for each Member State.

Ranking 2001	Ranking 2000	Member State	Directives applicable on reference date	Directives for which implementing measures have been notified	Percentage notification rate on 31.12.2001	Percentage notification rate on 31.12.2000
1	1	Denmark	1479	1488	99,26%	99,26%
2	2	Spain	1479	1457	98,51%	97,99%
3	5	Sweden	1482	1459	98,45%	97,45%
4	4	Finland	1488	1462	98,25%	97,68%
5	13	Italy	1484	1449	97,64%	96,45%
6	8	Netherlands	1486	1448	97,44%	96,66%
7	19	Luxembourg	1480	1441	97,36%	96,70%
8	11	Ireland	1477	1437	97,29%	95,90%
9	3	Belgium	1485	1444	97,24%	97,86%
10	12	Portugal	1486	1444	97,17%	95,72%
11	6	Germany	1487	1440	96,84%	96,86%
12	14	France	1485	1437	96,77%	95,05%
13	15	Greece	1478	1428	96,62%	93,95%
14	7	United Kingdom	1482	1428	96,36%	96,85%
15	9	Austria	1480	1420	95,95%	96,56%
		UE 15	1483	1444	97,41%	96,59%

The **summary table** at the end of Part 2 of Annex IV to this report (Volume V) shows the detailed transposal rate for each Member State and each sector in 2001.

### 1.4. Applications for derogations from harmonisation measures – Article 95 of the EC Treaty

Article 95(a) to (b) gives Member States the possibility to maintain or introduce national provisions derogating from harmonisation measures adopted at Community

level where this is justified by fundamental requirements, in particular the protection of health or the environment. The Treaty requires the Commission to approve or reject notifications submitted to it within a six month period. When justified by the complexity of the matter and in the absence of danger for human health, the Commission may extend this period with a further six months.

In 2001, a total of 7 notifications under Article 95(a) to (b) were submitted by the Member States. They concerned a DE notification under Article 95(5) with regard to new national provisions going beyond the measures of Directive 1999/51/EC (prohibiting the marketing and use of organostannic compounds when acting as biocides in free association antifouling paint), a DE notification under Article 95(4) with regard to maintaining national provisions derogating from Directive 2000/38/EC (remodelling the pharmacovigilance systems), an NL notification under Article 95(5) with regard to new national provisions going beyond the measures of Directive 94/60/EC (harmonising amongst other things the use and marketing of creosote and similar tar distillates, as well as preparations containing them, by limiting the content of B[a]P), a UK notification under Article 95(4) with regard to maintaining national provisions going beyond the measures of Directive 98/79/EC (harmonising the rules for placing on the market and putting into service of in vitro diagnostic medical devices), and A, FI and SV notifications under Article 95(4) with regard to maintaining national provisions derogating from Directive 76/116/EEC as last amended by Directive 98/97/EC (concerning the maximum admissible content of cadmium in fertilisers and the prohibition of marketing fertilisers containing higher cadmium concentrations than nationally fixed in A, FI and SV).

The Commission, in 2001, in its Decision of 13 July 2001, rejected the new draft German national provisions regarding the use of organostannic compounds in antifouling products. By its Decision of 18 July 2001, the Commission rejected the maintenance of the DE national provisions on reporting obligations with regard to adverse reactions of medicinal products.

Having extended the examination period through its Decision of 13.07.2001, the Commission approved the NL national provisions relating to the placing on the market and use of creosote-treated wood by its Decision of 23.01.2002. Consequently, in accordance with Article 95(7) of the Treaty, the Commission is already examining the appropriateness to adapt to technical progress, for a second time, the provisions of Directive 94/60/EC regarding creosote and creosote-treated wood on the basis of the scientific evidence provided by the Netherlands and the opinion of the CSTE given in the matter.

Finally, in its Decision of 25 January 2002, the Commission declared the UK notification for maintaining the measures in the *HIV Testing Kits and Services Regulations 1992*, with reference to Article 95(4) of the Treaty, inadmissible. The Commission is in the process of preparing its Decisions on the Austrian, Finnish and Swedish notifications with regard to cadmium contents in fertilisers.

#### **1.5. Application of international agreements adopted by the Community and of the law derived from such agreements**

Pursuant to Article 300(7) of the Treaty, agreements concluded under the conditions set out in this Article are binding on the institutions of the Community and on Member States.

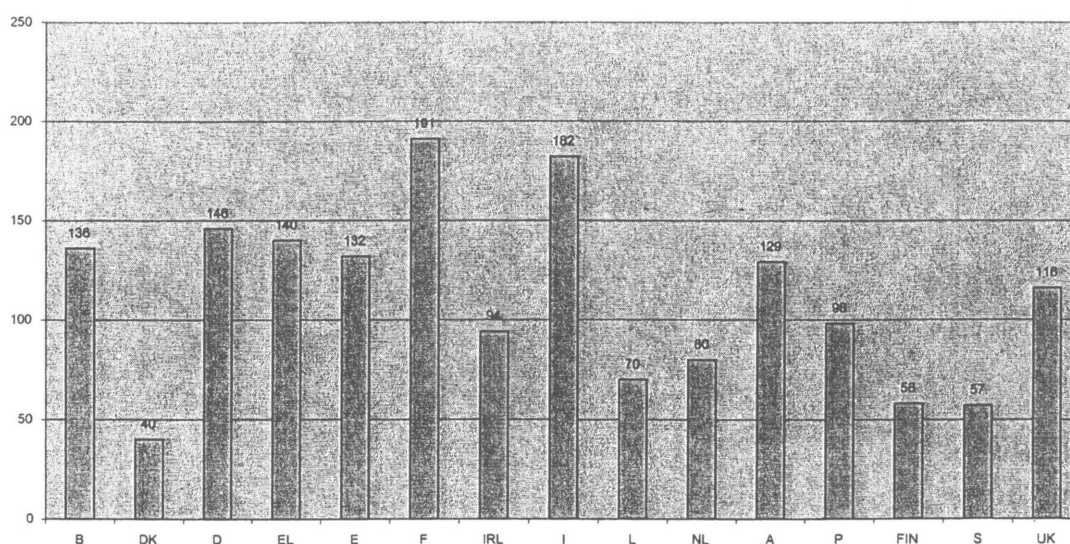
Within that context, the Commission began proceedings against Ireland in 1998 for infringing Article 5 of Protocol 28 of the Agreement on the European Economic Area. In violation of that Article, Ireland has failed to approve the Berne Convention for the Protection of Literary and Artistic Works as amended by the Paris Act (1971). The Commission referred the matter to the Court of Justice on 19 January 2000 and, in a judgment given on 19 March 2002, the Court concluded that Ireland had failed to meet its obligations resulting from the combined provisions of Article 300(7) EC and Article 5 of Protocol 28 annexed to the Agreement on the European Economic Area. It should be noted that Mr Advocate-General Mischko also rejected the United Kingdom's argument concerning the potential impact of the mixed nature of an agreement on the Commission's powers in respect of infringement proceedings.

Complaints were also lodged with the Commission concerning the failure by the United Kingdom and the Netherlands to comply with certain provisions relating to freedom of establishment and freedom of movement for workers contained in the European Agreement with Poland.

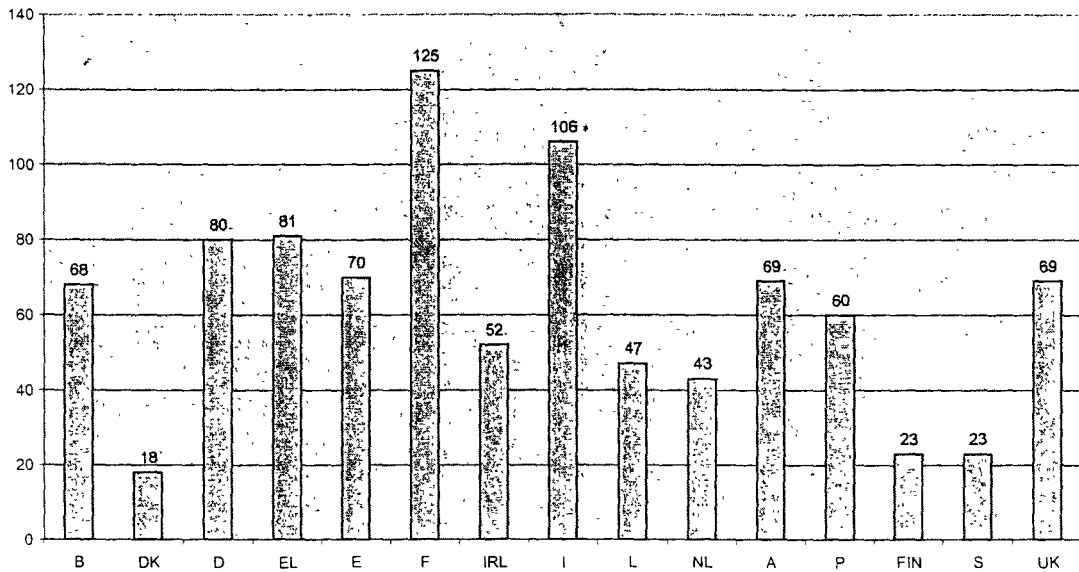
### 1.6. Graphical overview of all the infringement proceedings commenced or handled by the Commission during 2001

The three tables below show the numbers of infringement proceedings in motion on 31 December 2001, at the three separate stages: letter of formal notice, reasoned opinion and referral to the Court of Justice.

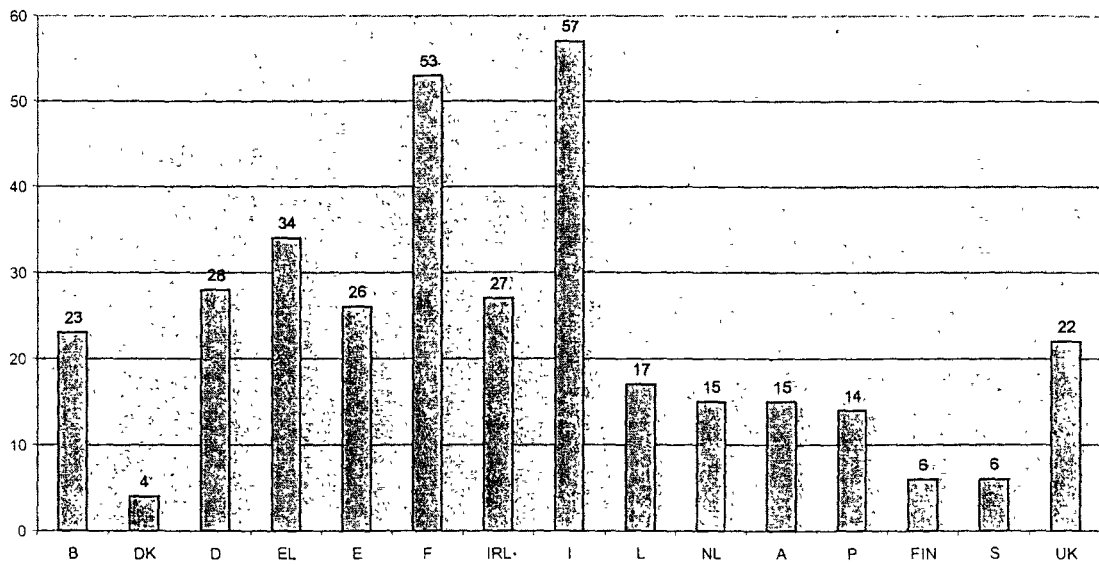
Table 2.3.1. Cases in motion on 31.12.2001 in which infringement proceedings have been commenced, by Member State



**Table 2.3.2. Cases in motion on 31.12.2001 for which a reasoned opinion has been sent, by Member State**



**Table 2.3.3. Referrals in motion on 31.12.2001, by Member State**



## 1.7. Application by the Commission of Article 228 of the EC Treaty (developments in 2000)

In 2001 the Commission explained the method whereby it calculated the amount of penalty payments proposed to the Court within the framework of referrals pursuant to Article 228 EC. This method is set out in two Commission notices of 1996<sup>1</sup> and 1997.<sup>2</sup> In 2001 the Commission clarified how it proceeds in fixing the length of the infringement (from the date of the first Court judgment) at 0.1 point per month of delay as from the seventh month of the judgment's being delivered, within the limits laid down by its 1997 notice.

The Commission also adopted three second referral decisions with demands for penalty payments from Spain, France and Luxembourg.

The fields covered by these decisions were very diverse: one concerned the environment (Spain), one fisheries (France) and one transport (Luxembourg).

The diversity of areas concerned shows that the second referral procedure with penalty payments is no longer, as it once was, mainly limited to the environmental and social fields and therefore covers the whole range of infringements.

It should also be noted that the second referral decision against France is the first in the fisheries field.

Several files were also wound up in 2001 after the Member States concerned had taken steps to comply with the Court judgment. One such example was the file on the Kouroupitos rubbish tip, the only case to date in which the Court has required a Member State to make penalty payments. Given that measures to implement the first Court judgment were adopted by the Greek authorities on 26 February 2001, the latter paid a total of €5 400 000 in penalty payments for the period from July 2000 to March 2001. This case concerned Greece's failure to take the necessary measures to ensure the elimination of toxic and dangerous waste in the Chania region of Crete (more specifically, closure of the illegal rubbish tip located at the mouth of the river Kouroupitos), in violation of the obligations imposed by Council Directive 75/442/EEC of 15 July 1975 on waste and Council Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste.

In 2001 the Commission also closed previous cases for which a solution designed to ensure compliance with the Court judgment was provided by the Member State concerned.

No file in which a second referral decision was taken in 2000 or previously is still pending.

The summary table below lists the decisions taken by the Commission for second referrals since the procedure was introduced by the Maastricht Treaty (and the outcome in each case).

---

<sup>1</sup> Information from the Commission - Memorandum on applying Article 171 of the EC Treaty OJ C 242, 21.8.1996 p. 6.

<sup>2</sup> Information from the Commission - Method of calculating the penalty payments provided for pursuant to Article 171 of the EC Treaty, OJ C 63, 28.2.1997 p. 2.

MS	Subject-matter	Year/No	Initial judgment (226/EC)	Proposed penalty (€ per day)	Date of Commission decision	Status
B	Wild birds	1990/0291	08/07/1987	7 750	10/12/1997	terminated
	Financing of students (nationality)	1989/0457	03/05/1994	43 400	22/12/1999	terminated
DE	Surface water	1987/0372	17/10/1991	158 400	29/01/1997	terminated
	Wild birds	1986/0222	03/07/1990	26 400	29/01/1997	terminated
	Groundwater	1986/0121	28/02/1991	264 000	29/01/1997	terminated
	Impact Directive	1990/4710	22/10/1998	237 600	21/12/2000	case dropped
E	Dir. 76/160/EC – Quality of bathing water	1989/0418	12/02/1998	45 600	23/05/2001	in motion
EL	Private schools (nationality)	1989/0165	15/03/1988	61 500	10/12/1997	terminated
	Certificates of higher education	1991/0668	23/03/1995	41 000	10/12/1997	terminated
	Public service contracts	1993/0711	02/05/1996	39 975	24/06/1998	terminated
	Kourouпитos waste dump	1989/0138	07/04/1992	24 600 judgment of 4.7.2000 = 20 000	26/06/1997	terminated
	Access to public service jobs	1991/0583	02/07/1996	57 400	01/07/1999	terminated
F	Fisheries - failure to monitor compliance with technical conservation measures	1984/0445	11/06/1991	316 500	20/12/2001	in motion
	Defective products	1989/0146	13/01/1993	158 250	31/03/1998	terminated
	Wild birds	1984/0121	27/04/1988	105 500	24/06/1998	terminated
	Night work (women)	1990/2109	13/03/1997	142 425	21/04/1999	case dropped
I	Radiation protection	1990/0240	09/06/1993	159 300	29/01/1997	terminated
	Waste management plan	1988/0239	13/012/1991	123 900	29/01/1997	terminated
	Urban waste water	1993/0786	12/12/1996	185 850	02/12/1998	terminated
	Safety at sea; prevention of pollution and living and working on board vessels	1996/0997	11/11/1999	88 500	21/12/2000	terminated
L	Access to public service jobs	1991/0222	02/07/1996	14 000	02/12/1998	terminated
	Medical assistance on board vessels	1995/0142	29/10/1998	6 000	22/12/1999	terminated
	Investigation of civil aviation accidents and incidents	1997/0107	16/12/1999	9 000	20/12/2001	in motion
UK	Quality of bathing waters (Blackpool & Southport)	1986/0214	14/07/1993	106 800	21/12/2000	case dropped

## **2. SITUATION SECTOR BY SECTOR**

### **2.1. Economic and financial affairs**

#### *Free movement of capital*

Broadly speaking, freedom of capital movements is satisfactorily secured both within the European Community and in relation to non-member countries. The number of infringement cases pending fell slightly during the report period, although some of them concern substantial barriers to the smooth operation of the single market and are at an advanced stage in the procedure.

The Court gave only one judgment in the field of the free movement of capital, finding that a national rule requiring a mortgage securing a debt payable in the currency of another Member State to be registered in the national currency was incompatible with Community law.<sup>3</sup>

A fair number of the significant infringement proceedings concern the special rights enjoyed by Member States to control firms in the public utilities sector (energy, telecoms, etc.), and the issues involved are crucially important from the standpoint of integration of the single market. Following the first judgment<sup>4</sup> handed down by the Court in this area, three other similar infringement proceedings were brought, on which the Advocate General delivered his opinion<sup>5</sup> on 3 July. The Court's judgment will make it possible to fine-tune the interpretation given to the freedom to invest within the Community and determine what action should be taken with regard to other similar cases which are at a less advanced stage in the procedure.

Proceedings are continuing against a number of restrictions on the acquisition of real property by non-residents in certain Member States. These infringements, which show that the Community real-estate market is still relatively fragmented, seriously limit the exercise of fundamental freedoms by EU citizens. Other cases are still pending against restrictions on the investment activities of supplementary pension funds.

The rules applied by one Member State concerning the reporting of cross-border payments, and in particular the proportionality of the fines for non-compliance with this administrative obligation, are also the subject of infringement proceedings in which it was decided to refer the matter to the Court of Justice.

### **2.2. Businesses**

#### *Overview*

---

<sup>3</sup> Case C-464/98 – 'National rules prohibiting the registration of mortgages in foreign currencies' – judgment given on 11 January 2001.

<sup>4</sup> Case C-58/99 – 'Privatisation of public undertakings – Grant of special powers' – judgment given on 23 May 2000.

<sup>5</sup> Cases C-367/98, C-483/99 and C-503/99 – 'Privatisation of strategic undertakings – Restrictions on shareholding and involvement in management – Specific holdings and powers of the State' – opinion delivered on 3 July 2001.



As at the end of the report period, the Enterprise DG was responsible for managing 470 directives, of which 452 were in force at that date. Complaints and infringements relating to those directives accounted for nearly 4% of the total number of infringements dealt with by the Commission during the year; the Enterprise DG noted a decrease in its caseload in comparison with the previous year.

This is chiefly due to the fact that Member States transposed a large number of directives in respect of which infringement proceedings for failure to transpose had been initiated.

Although there were fewer infringement cases, failure to transpose directives continues to be a major problem for both businesses in the sectors concerned (namely motor vehicles, chemicals and capital goods) and consumers of the goods produced, who are unable to take full advantage of the single market. The transposal rate currently varies between 95.19% and 99.12% according to the Member State. Most infringement proceedings for failure to transpose concern the motor vehicle sector, followed by the chemical industry. There is no doubt that full transposal of Community law in the industrial field would enable the single market to function more smoothly.

The difficulties encountered in transposing directives can often be ascribed to the fact that the officials responsible for negotiating them are not the same as those in charge of drafting the national transposal measures and subsequently ensuring that they are applied in practice.

An increase in instances of incorrect application and faulty transposal was furthermore noted. Most of these cases concerned capital goods.

The Enterprise DG reacted to this development by systematically entering cases of incorrect application and faulty transposal on the agenda for package meetings organised by the Secretariat-General concerning the transposal of directives.

In statistical terms, it is worth noting that infringement proceedings were opened in 80% of the cases examined by the Enterprise DG, the same high proportion as in 2000. The rate of referral to the Court also remained constant at 8% of the total number of cases examined.

### ***Analysis by sector***

#### ***2.2.1. Chemicals***

Cases of failure to transpose directives in the chemicals sector fell markedly during the year: proceedings were terminated in 23 cases, 17 of which related to directives whose transposal deadline expired in 2000. However, since there is only one directive with a transposal deadline that expired in 2001, it is too early to conclude that a trend is emerging towards a high transposal rate within a reasonable timescale.

This catching-up process appears to confirm that the main reason for the failure to report measures is that the procedures for transposing directives into national law have lagged behind schedule, rather than other factors.

The only case of non-transposal that cannot apparently be ascribed to delays in the transposal process relates to explosives (Directive 93/15/EEC). This case is currently

being examined under the procedure laid down in Article 228 of the Treaty following the judgment delivered by the Court in March 2000 finding that France had failed to fulfil its obligation to transpose the directive (Case C-327/98). It would nevertheless appear that transposal measures are in the process of being adopted.

As far as faulty transposal or incorrect application are concerned, two new infringement cases were opened. These relate to the infringement of certain directives laying down restrictions on the marketing and use of dangerous substances (oil lamps, arsenic compounds) or rules on the labelling of dangerous preparations.

Two cases of faulty transposal or incorrect application concern Directive 93/15/EC on the placing on the market and supervision of explosives for civil use and involve France and Germany. In the case of Germany, the Commission decided on 23 October to refer the matter to the Court.

### 2.2.2. *Pharmaceuticals*

All proceedings for failure to transpose directives in the pharmaceuticals sector were terminated during the year. Nevertheless, problems remain with the interpretation and application of the pharmaceuticals directives by the national authorities, particularly in the case of the “transparency” directive (Directive 89/105/EEC 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). The directive offers procedural guarantees, together with precise deadlines, with regard to the setting of prices and the level of reimbursement of medicinal products.

Many of the Member States do not comply with the directive’s requirements, with special reference to the deadlines for adopting and notifying decisions on prices of medicinal products, the obligation to give reasons for decisions taken that are based on objective and verifiable criteria, the availability of remedies for contesting decisions taken, or the conditions in which positive lists of medicinal products covered by the national health insurance system are drawn up.

Among the proceedings initiated against Member States for infringement of Directive 89/105/EEC, it is worth mentioning the judgment delivered by the Court on 27 November against Austria, while a case against Finland is also before the Court. It was also decided to refer the case against Belgium to the Court, whereas the referral decision concerning Greece is currently suspended in view of discussions in progress between the Commission and the Greek authorities. Intensive discussions are also ongoing with other Member States on the subject of application of this directive.

Apart from application of the transparency directive, two major proceedings against Belgium and Italy are still ongoing. The cases relate to the application of Directive 89/381/EEC on medicinal products derived from human blood or human plasma and the conditions for suspending marketing authorisations for medicinal products in Italy. In both cases the Commission addressed a supplementary reasoned opinion to the Member State concerned.

### 2.2.3. *Cosmetics*

The Commission observed real progress during the year in the transposal of Community rules on cosmetics and was able to terminate a large number of

infringement proceedings against Member States for failure to notify national measures transposing directives. All Member States have notified national measures implementing Directives 2000/6/EC and 2000/11/EC adapting to technical progress Directive 76/768/EEC and only a few Member States have not yet transposed Directives 97/18/EC and 2000/41/EC postponing the date from which experiments on animals are prohibited for ingredients or combinations of ingredients.

It also observed some progress in the application of Community rules on cosmetics, having had to handle no new infringement cases.

#### 2.2.4. *Capital goods*

In the mechanical and electrical engineering sectors (including personal protection equipment), given that the latest directive to be adopted dates from 1999 (Directive 1999/5/EC on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity), few cases of failure to transpose remain. The situation regarding Directive 1999/5/EC is as follows:

- France, Germany, Ireland and Italy have now transposed the directive into their national law, enabling the infringement proceedings against them to be terminated, and only Greece has not yet done so. The Commission brought an action against Greece before the Court of Justice on 18 July for failure to transpose the directive.

Major progress was achieved in remedying instances of incorrect application or faulty transposal of directives: over 60% of infringement proceedings pending in this area were terminated during the year. A combination of frequent direct contacts with the officials responsible for the issues involved in the national administrations and strict application of the remedies available to the Commission under Article 226 of the EC Treaty yielded satisfactory results. In the area of market surveillance in particular, Member States acted more effectively than in the past and carried out the necessary checks.

In the field of measuring instruments, outstanding infringements usually relate only to failure to transpose directives; as regards pressure vessels and medical devices, most of the infringements involve incorrect application of the directives.

And in the case of gas appliances, the infringement proceedings pending relate exclusively to incorrect application of Directive 90/396/EEC on appliances burning gaseous fuels.

Regarding cases of failure to notify national transposal measures, the situation is as follows:

- It was decided on 20 December to refer Germany's failure to transpose Directive 97/23/EC on pressure vessels to the Court of Justice.
- For Directive 98/79/EC on in vitro diagnostic medical devices, all the Member States have notified national transposal measures except for France, which should complete its transposition in 2002.
- It was decided to send Greece and Portugal a reasoned opinion on account of their failure to transpose Directive 1999/103/EC on units of measurement.

Member States did not usually encounter particular problems in transposing the above three directives into national law; delays in transposal appear to have been caused, at least partly, by the complexity of their procedures.

As regards cases where national law conflicts with the directives, the situation is as follows:

- A letter of formal notice under Article 228 was sent to Italy concerning the non-conformity of its national rules with Directive 90/396/EEC on appliances burning gaseous fuels in the wake of the judgment delivered by the Court in 1999 finding that Italy's rules were incompatible with Community law (Case C-97/112).
- A letter of formal notice was addressed to Portugal concerning non-conformity of national legislation with Directive 93/42/EEC on medical devices.

#### 2.2.5. *Motor vehicles, tractors and motorcycles*

A satisfactory pace has been reached in the transposal of directives governing the type-approval of motor vehicles, agricultural or forestry tractors and motorcycles. A major reason for this appears to be that, in contrast to the previous year, 2001 witnessed a smaller number of directives (11) reaching transposition deadlines. This resulted in a markedly lower legislative burden in the Member States. The initiation of infringement proceedings is generally sufficient to secure the transposition of directives within a reasonable deadline, obviating the need for further action in the Court of Justice.

Nonetheless it is to be noted that on 15 March the Court delivered a judgment in Case C-83/00 declaring that, by failing to adapt its laws, regulations and administrative measures in order to fulfil the requirements of Directive 97/24/EC on certain components and characteristics of two or three-wheel motor vehicles, the Netherlands had failed to comply with its obligations under the EC Treaty.

Thanks to the adoption of road traffic amending legislation in Austria, a number of infringement cases arising from that Member State's failure to transpose directives on time can now be closed.

Owing both to the complexity of legislation and to constantly evolving technology, the type-approval of vehicles gives rise to frequent difficulties in interpretation. The Commission notes with satisfaction that the type-approval authorities themselves make frequent recourse to well-established mutual information and discussion networks in order to resolve potential difficulties in the application of the legislative provisions. The Commission works closely with Member States in order to identify those instances where the legislative framework is in possible need of amendment.

#### 2.2.6. *Preventive rules provided for by Directive 98/34/EC*

The Enterprise DG is also responsible for administering Directive 98/34/EC. The directive establishes a notification procedure which requires Member States to submit to the Commission, and to each other, their drafts of new technical regulations for monitoring of compliance with internal market rules before they are finally adopted. The notification procedure is an essential tool for preventing barriers to trade being created and for sharing information.

During the year the Commission received 530 drafts of technical regulations (of which 25 relating to rules on information society services and the rest relating to products) which were scrutinised by the relevant departments. These were fewer than in 2000, chiefly as a result of the drop in the number of notifications in the telecommunications sector: Directive 1999/5/EC on radio equipment and telecommunications terminal equipment, which had to be transposed by April 2000, required Member States to notify their radio interfaces, something which they did mainly in 2000.

Nevertheless, there was a slight increase in the number of cases which prompted the Commission to issue a detailed opinion recommending changes to the planned measure in order to eliminate any unjustified barriers to the free movement of goods or information-society services which might arise as a result. This shows that, although the number of draft technical regulations fell, their complexity and the barriers to free movement which they are liable to create was on the increase. Alongside infringements of the EC Treaty a large proportion of the detailed opinions issued by the Commission pointed out that the projects notified could breach Community directives connected with the free movement of information-society products or services.

In fifteen or so cases the directive also helped to facilitate Community harmonisation by precluding the adoption of national measures that could have entrenched the positions of certain Member States when common solutions were being sought. Most of these cases concerned matters covered by the proposal for a directive on measuring instruments (COM(2000) 566 final) and the proposal for a directive on the animal-health requirements applicable to non-commercial movement of pet animals (COM(2000) 529 final).

When the Commission discovers a breach of Directive 98/34/EC, either because a legislative instrument containing technical regulations has been adopted without being notified under the directive, or because the standstill periods provided for by the directive have not been complied with, it starts a dialogue with the Member State concerned in order to see that the situation is rectified (e.g. through the notification of a new draft) or commences infringement proceedings. At the end of the year preparatory work was under way on around fifteen procedures of this type, notably in the field of information-society services, which have also been subject to the notification procedure since 5 August 1999. The increase in the number of infringements in the information-society services field is due to the fact that this is a new and complex sector in which the Member States are still having difficulty in ensuring that Directive 98/34/EC is correctly applied.

In its judgment of 15 February in Case C-230/99 *Commission v France*, the Court of Justice spelled out the relationship between detailed opinions issued under Directive 98/34/EC and letters of formal notice sent to Member States pursuant to Article 226 of the EC Treaty as part of infringement proceedings. The Court held that a detailed opinion under Directive 83/189/EEC (consolidated by Directive 98/34/EC) could not be regarded as equivalent to a letter of formal notice since, when it was issued, the Member State to which it is addressed could not have committed an infringement of Community law as the instrument in question existed only in draft form.

To improve the dialogue with firms, projects notified are accessible at [http://europa.eu.int/comm/enterprise/tris/index\\_en.htm](http://europa.eu.int/comm/enterprise/tris/index_en.htm).

#### 2.2.7. *Other sectors*

In the other sectors for which the Enterprise DG is responsible (such as textiles, toys, construction, tourism, etc.) very few infringements were observed. The following three cases are to be mentioned:

- The Commission sent Belgium a letter of formal notice for incorrect application of Directive 94/25/EC on recreational craft.
- The last set of infringement proceedings still ongoing in the construction sector regarding quality controls on certain steel imports into Greece was terminated following the adoption by the Greek authorities of a ministerial decision amending the legislation at issue.
- It was decided to refer to the Court the case against Italy concerning concessions on entrance fees for Italian museums and monuments applicable only to Italian nationals.

### 2.3. **Competition**

In 2001 the Commission took decisions on 36 cases dealt with by the Directorate-General for Competition.<sup>6</sup> In 32 of them the case was closed and in the remaining ones it was decided to bring the defaulting Member State before the Court of Justice. Although it is hard to draw any wide-ranging conclusions from these figures, it is safe to state that in general, Member States take steps to comply with EC competition law. Indeed, competition cases represent no more than a small fraction of the alleged infringements of EC law by Member States which the Commission is currently examining. Most of the complaints lodged with the Commission appear unfounded, do not take priority as they have no Community dimension or can be dismissed because they are being dealt with appropriately by the Member State concerned at the time the Commission makes its assessment. A large proportion of the infringement cases examined by the Directorate-General for Competition relate to the enforcement of competition directives in the telecommunications field or on the transparency of financial relations between Member States and their public undertakings. Finally, there is a growing number of cases concerning services of general interest, where the Commission needs to ensure that restrictions of competition do not exceed what is necessary to guarantee the effective performance of the tasks assigned to the service operators.

#### 2.3.1. *Telecommunications*

The Commission continued to monitor the effective implementation in the Member States of directives in the competition field based on Article 86(3) of the EC Treaty, as well as establishment of the regulatory framework in Greece following the full liberalisation of telecommunications markets which took effect from

---

<sup>6</sup> Please note that this report does not cover the Commission's examination of alleged infringements of EC state aid rules.

1 January. It pressed ahead with proceedings under Article 226 already initiated against certain Member States.

It also examined closely effective application of the directives in conjunction with the Member States and other interested parties as part of the preparation of the seventh report, adopted on 28 November, on the implementation of the telecommunications regulatory package.<sup>7</sup>

At the end of the year 20 infringement proceedings were still ongoing against Member States that had failed to transpose the directives correctly or to notify any transposal measures, and proceedings were terminated in six cases.

The Commission pressed ahead in particular with proceedings against Luxembourg concerning rights of way and brought an action against that Member State before the Court of Justice in February for having failed to adopt clear-cut rules ensuring non-discriminatory treatment of operators with regard to rights of way.

On 16 October the Court of Justice held in the Commission's favour in the proceedings it had brought against Portugal and Greece. In the judgment concerning Portugal (Case C-429/99) the Court confirmed that call back services did not constitute voice telephony within the meaning of Directive 90/388/EEC and that the Portuguese Government was therefore wrong to reserve them for the incumbent operator pending telecoms liberalisation. In the judgment concerning Greece (Joined Cases C-396/99 and C-397/99) the Court confirmed that in accordance with Directive 90/388 access to the telecommunications market could be restricted only on the grounds of a lack of available frequencies. Where access was conditional on obtaining a licence, the Member State had to ensure that the procedures for obtaining a licence were transparent and made public and that they were applied on the basis of objective criteria and in a non-discriminatory manner.

On 6 December the Court ruled in a dispute between the Commission and France concerning the arrangements for financing the universal service in force in that country since 1997. The Commission had referred the dispute to the Court in April 2000. The Court upheld the Commission's view entirely, finding that the French arrangements did not comply with the principles of proportionality, objectivity and transparency required by the directives and that France had also failed to fulfil its obligations as regards tariff rebalancing.

Again on the issue of the tariff rebalancing required by Directive 96/19/EC, the Commission moved forward in the infringement proceedings against Spain by sending it a supplementary reasoned opinion in July. This document laid particular emphasis on the inconsistency between the completely unbundled tariffs for access to the local loop, set in December 2000, and the price cap scheme adjusted in May 2001, which continued to risk causing a cost/price squeeze until 2003, thereby undermining the results of unbundling. The measures announced by the Spanish authorities in their response to the supplementary reasoned opinion were unsatisfactory and the Commission accordingly referred the matter to the Court of Justice on 21 December.

---

<sup>7</sup> COM(2001) 706 final.

In July a reasoned opinion was issued to Italy for failure to communicate before the prescribed deadline its measures transposing Directive 1999/64/EC on cable television networks. No reaction to its reasoned opinion having been received, the Commission decided on 20 December to refer Italy to the Court.

### 2.3.2. *Postal services*

In the postal sector, on 23 October the Commission adopted a decision under Article 86(3) of the EC Treaty on scrutiny of the relations between the French postal operator La Poste and firms specialised in providing mail preparation services. The Commission found that La Poste faced a conflict of interests in its relations with private mail preparation firms in that it was both a competitor and, on account of its postal monopoly, an unavoidable partner for such firms. The Commission took the view that this conflict of interest encouraged La Poste to abuse its dominant position. As French law did not provide for sufficiently effective or independent scrutiny to neutralise this conflict of interest, the Commission concluded that France had infringed Article 86 read in conjunction with Article 82 of the EC Treaty.

### 2.3.3. *State aid*

The Commission examined the transposal of Directive 2000/52/EC<sup>8</sup> by Member States and opened infringement proceedings against all of them for failure to communicate such measures within the deadline laid down by the directive. On 20 December it was able to drop the proceedings against Austria, Denmark, Germany and the United Kingdom following the notification of such measures.

## 2.4. **Employment and social affairs**

The cases for which the Directorate-General for Employment and Social Affairs is responsible relate to a range of different fields (free movement of workers, equal treatment of men and women, working conditions and health and safety at work) and legal instruments (the Treaty, regulations and directives). The following general remarks can be made: in the field of the freedom of movement for workers, the problems encountered are above all specific issues relating to the incorrect application of certain Treaty provisions and regulations, whereas in other areas (equal treatment of men and women, working conditions and health and safety at work) problems have to do mainly with the non-conformity, and occasionally the failure to communicate, national measures transposing directives.

Analysis of experience in dealing with infringements nevertheless reveals that their causes and origins are varied. The role of the social partners, who participate fully in the preparation and implementation of social legislation, is also worth mentioning in this context. There would therefore seem to be no “one size fits all” solution, and a case-by-case approach is called for.

The most significant individual cases are outlined below.

In the field of the *free movement of persons*, problems remain here and there owing to incorrect application of the relevant provisions of the Treaty and Regulations Nos

---

<sup>8</sup> Commission Directive of 26 July 2000 amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings.



1408/71 and 1612/68. A large number of proceedings already opened were continued. One example is the difficulty of obtaining recognition of work experience in the public service in several Member States (a reasoned opinion was sent to Belgium, France and Germany, while the case against Austria is continuing and it was decided to refer Ireland to the Court of Justice). The cases 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 are being pursued under Article 228 of the Treaty following the judgments delivered by the Court.<sup>9</sup> Although steps have since been taken to comply with the Court’s judgments, there are still practical problems to do with the reimbursement arrangements and limitation periods which have prevented the cases being closed. Italy having failed to communicate any national measures taken in order to comply with the Court’s ruling<sup>10</sup> against that Member State for non-recognition of the acquired rights of former foreign-language assistants by certain Italian universities, the proceedings in question are also continuing under Article 228 of the Treaty. On the other hand, infringement proceedings against Belgium<sup>11</sup> concerning reimbursement of university registration fees unduly charged to students from other Member States, which were being continued under Article 228, were closed following positive developments.

As regards *equal treatment of men and women*, the proceedings against France under Article 228 of the Treaty concerning the ban on night work for women in industry were finally terminated following the adoption of national measures lifting the ban. France also having communicated national measures transposing Directive 96/97/EC<sup>12</sup> and complied with the Court’s judgment,<sup>13</sup> the proceedings still ongoing against it under Article 228 were closed. Proceedings against Greece for failure to comply with the Court’s judgment finding that it had failed to communicate measures transposing the same directive<sup>14</sup> are continuing, however. The case against Greece for incorrect application of Directives 75/117/EEC and 79/7/EEC (failure to repeal, with retroactive effect, provisions of collective agreements making the payment of family and marriage allowances to female workers subject to conditions not required of married male workers)<sup>15</sup> is also being pursued under Article 228 of the Treaty. A reasoned opinion was addressed to the UK authorities concerning faulty transposal of Directive 96/34/EC on parental leave.<sup>16</sup>

On *working conditions*, there are still problems to do with the non-conformity of measures transposing Directive 77/187/EEC<sup>17</sup> in Italy (where it does not apply in certain crisis situations, such as a court-approved composition with creditors or the special administration procedure) and it was decided to refer the matter to the Court. Proceedings against France were dropped following the steps it took to comply with Court rulings against it for failure to communicate measures transposing Directives

---

<sup>9</sup> Judgments of 15 February 2000 in Cases C-169/98 and C-34/98.

<sup>10</sup> Judgment of 26 June 2001 in Case C-212/99.

<sup>11</sup> For failure to comply with the judgment of 3 May 1994 in Case C-47/93.

<sup>12</sup> Amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes.

<sup>13</sup> Judgment of 8 July 1999 in Case C-354/99.

<sup>14</sup> Judgment of 14 December 2000 in Case C-457/98.

<sup>15</sup> Judgment of 28 October 1999 in Case C-187/98.

<sup>16</sup> See also the request for a preliminary ruling in Case C-243/00, still pending.

<sup>17</sup> Relating to the safeguarding of employees’ rights in the event of transfers of undertakings.

94/33/EC<sup>18</sup> and 93/104/EC,<sup>19</sup> while those against Italy for failing to comply with the Court's judgment finding that it had not communicated national measures transposing Directive 93/104/EC<sup>20</sup> are being pursued under Article 228 of the Treaty.

As regards Directive 93/104/EC (working time), a reasoned opinion was sent to Denmark, which had transposed the instrument by means of collective agreements that do not cover all workers. On the transposal of Directive 98/59/EC (collective redundancies) by Italy and Portugal, infringement proceedings for non-conformity continued and it was decided to make referrals to the Court of Justice. It was also decided to refer the problems to do with the incorrect transposal by Germany of Directive 96/71/EC<sup>21</sup> to the Court, thereby affording the latter an opportunity to rule on the interpretation of the concept of "minimum rates of pay".

In the field of *health and safety at work*, the Court's rulings against Austria for failure to communicate all the national measures transposing Directives 95/30/EC<sup>22</sup>, 97/59/EC<sup>23</sup> and 97/65/EC<sup>24</sup> (on risks related to exposure to biological agents at work) reveal a serious structural problem. Most infringement proceedings nevertheless concern the non-conformity of national measures transposing the basic directives and a number of specific directives which have the same legal status but are confined to the hard core of those directives. Taking as an example transposition of the Framework Directive 89/391/EEC, proceedings for incorrect transposal are continuing against France, Spain, Sweden and the UK. A reasoned opinion was addressed to Finland and Ireland, while it was decided to refer the cases concerning Luxembourg, the Netherlands and Portugal to the Court. The Commission was able to terminate proceedings concerning transposition by Belgium after satisfactory national measures were adopted. By judgment of 15 November<sup>25</sup> the Court ruled against Italy on the grounds that it had incompletely transposed the same directive. The issue of the non-conformity of the Italian measures transposing Directive 90/270/EEC (work with display screen equipment) was also referred to the Court of Justice.<sup>26</sup>

## 2.5. Agriculture

In the farm sector monitoring of the application of Community law was a two-pronged effort aimed at removing barriers to the free movement of agricultural products and ensuring effective and correct application of more specific provisions of the agricultural rules.

As far as the free movement of agricultural products is concerned, the general downward trend in conventional trade barriers - such as systematic import checks and demands for certificates - was confirmed. The monitoring effort focused on

---

<sup>18</sup> On the protection of young people at work. Judgment of 18 May 2000 in Case C-45/99.

<sup>19</sup> Concerning certain aspects of the organisation of working time. Judgment of 8 June 2000 in Case C-46/99.

<sup>20</sup> Judgment of 9 March 2000 in Case C-386/98.

<sup>21</sup> Concerning the posting of workers in the framework of the provision of services.

<sup>22</sup> Judgment of 14 June 2001 in Case C-473/99.

<sup>23</sup> Judgment of 11 October 2001 in Case C-110/00.

<sup>24</sup> Judgment of 11 October 2001 in Case C-111/00.

<sup>25</sup> Case C-49/00.

<sup>26</sup> Case C-455/00.

measures taken by Member States reserving the use of quality labels or descriptions for products of their own regions or countries.

In this area the Commission has traditionally been faced with a number of initiatives taken by Member States or their regional authorities with the aim of raising awareness of the quality of agricultural products and foodstuffs, inter alia by encouraging the creation of specific labels or descriptions. It has of course taken a favourable view of any schemes designed effectively to promote the intrinsic quality of the agricultural products or foodstuffs in question and thereby to create new outlets, improve producers' incomes and offer consumers a wider choice.

It has, however, systematically initiated infringement proceedings against quality labels or descriptions which, in breach of Article 28 of the EC Treaty as interpreted by the Court in its judgments of 12 October 1978 in Case C-13/78 *Eggers* and 7 May 1997 in Case C-321/94 *Montagne*, are reserved, in law or in fact, for national or regional products whereas such products do not display any intrinsic qualitative characteristic that is duly recognised as such. Labels or descriptions of this nature give rise to arbitrary discrimination against producers and operators from other Member States and unjustified barriers to the free movement of goods.

In this context the Commission referred to the Court the case of the German CMA label carrying the indication "Markenqualität aus deutschen Landen", which requires at least part of the production process for agricultural products and foodstuffs to be located in Germany in order to qualify (Case C-325/00, pending); it also decided to refer France to the Court in connection with 11 regional labels,<sup>27</sup> and addressed a reasoned opinion to Italy on the subject of two regional quality labels.<sup>28</sup>

Regarding less traditional forms of barriers to trade, such as the repeated acts of violence committed 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,<sup>29</sup> 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 in the most recent marketing years movements of imported fruit and vegetables, notably from Spain, went unhindered suggests that the measures taken by the French Government to comply with the Court's judgment were more effective than before. A major incident nevertheless occurred during the report period, when beef producers attacked a processing plant using meat from other Member States.

---

<sup>27</sup> In the case of France the infringement proceedings relate to the following regional quality labels: "Normandie", "Nord-Pas-de-Calais", "Ardennes de France", "Limousin", "Languedoc-Roussillon", "Lorraine", "Savoie", "Franche-Comté", "Corse", "Midi-Pyrénées", "Salaisons d'Auvergne" and "Qualité France".

<sup>28</sup> In the case of Italy the infringement proceedings relate to the regional quality labels "Regione Siciliana-Marchio Qualità" and "Abruzzo Qualità".

<sup>29</sup> [1997] ECR I-6959.

In monitoring the application of specific market organisation mechanisms, the Commission continued to keep a close watch on the use of production control mechanisms and the integrated management and control system for certain Community aid schemes.

In the milk sector infringement proceedings focused on deficiencies in implementation of the milk quotas scheme and in particular the failure of the Italian and Spanish authorities fully to implement it, with special reference to their delay in definitively passing on the supplementary levy to the producers responsible for the excesses.

In the case of Italy, the proceeding initially concerned that Member State's failure to ensure that the supplementary levy deducted by purchasers where producers' individual quotas were exceeded during the 1995/96 and 1996/97 marketing years was paid to the competent authority.

The Italian authorities had taken the view that amounts collected by buyers could not be paid to the competent authority until there had been an in-depth inquiry into the level of the individual reference quantity for each producer and the level of their actual production. A commission of inquiry had revealed suspicions of major irregularities in this area, to such an extent that the very existence of excess production was called into question. The Commission closely followed the inquiries conducted by the Italian authorities and itself carried out several on-the-spot inspection visits. The work involved redetermining each individual quota and production, again cross-checking deliveries during each period on that basis and issuing a fresh notification of the amount of levy due. It was informed of the reasons for certain delays in the procedures, due in particular to the need to consult the Council of State on some of the arrangements. When it became apparent that, despite the closure of these operations with a new notification of the amount of levy due, the amounts (other than those whose immediate recovery was prevented by court rulings suspending the payment orders, representing between one and two thirds of the total depending on the period concerned), the Commission decided to continue with the proceedings and to extend them to cover periods up to 1999/2000.

A supplementary reasoned opinion was issued in December. General permission to pay in instalments, which was also the subject of these proceedings, was recently withdrawn.

In Spain, only a fraction of the levy payable for 1993/94, 1995/96 and 1996/97 was actually paid by producers. Both producers and purchasers brought large-scale actions against decisions affecting them.

Following commencement of infringement proceedings, the Spanish authorities adopted new measures for managing the scheme, aimed in particular at avoiding large-scale recourse to the courts in the future. The key elements consisted of a compulsory scheme for collecting advance payments from producers who exceed their quota during the period and the imposition of restrictive conditions governing the approval of purchasers. The scheme's management since 1998/99 has not produced the widespread problems that were encountered in previous years.

Regarding actions commenced earlier, the Spanish authorities caused sureties to be established for the sums in dispute in the numerous cases where this had not already

been done. They now consider that the levy still due is fully covered, either by these sureties or by compulsory recovery orders.

The delay by the Greek authorities, owing to internal administrative difficulties, in implementing the integrated management and control system for certain Community aid schemes under Regulation (EEC) No 3508/92 prompted the Commission to refer the matter to the Court of Justice. The Regulation is aimed at harmonising and rationalising administration and control measures for certain Community aid schemes, in particular for arable farming and meat production (beef and veal, sheepmeat and goat's meat) to boost efficiency and profitability by means of a policy of preventing and punishing irregularities in EAGGF-financed operations. Article 2 of Regulation 3508/92 as amended requires each Member State to establish by 1 January 1997 an integrated system comprising: a computerised database, an alphanumeric identification system for agricultural parcels, an alphanumeric system for the identification and registration of animals, aid applications and an integrated control system. The Greek authorities have not fully met all these requirements, the aim of which is to ensure that payments made by Community bodies are in accordance with the regulations. The fact is that the identification and numbering of agricultural land parcels has not even been commenced and the procedure for registering and identifying animals is no more than embryonic. High-performance databases do not therefore exist.

Lastly, following the Court's judgment of 16 July 1998 in Case C-136/96,<sup>30</sup> the French authorities stopped allowing the marketing and presentation, in breach of Regulation (EEC) No 1576/89, of spirits made by adding a percentage of water to whisky and using the word "whisky" as a generic sales description. The infringement proceeding initiated on account of this practice was closed. The Commission had addressed a reasoned opinion to France for authorising the marketing of spirits made in this way and bearing the word "whisky" as a generic sales description. Regulation (EEC) No 1576/89 provides that whisky must have an alcoholic strength of at least 40% and no water may be added to an alcoholic drink, to prevent the nature of the product being changed.

With regard to the transposition of directives in the agricultural sector, the Commission opened infringement proceedings against seven Member States for failing to transpose on time Parliament and Council Directive 1999/4/EC of 22 February 1999 relating to coffee extracts and chicory extracts. The national transposal measures have now been communicated and the Commission has been able to terminate the proceedings.

In 2001 as in previous years, the Commission received notification of a great many draft instruments pursuant to Directive 98/34/EC, which requires the Member States and EFTA countries to give notice prior to the adoption of any draft rules containing technical standards or regulations which might impede intra-Community trade.

In agriculture, 143 draft instruments notified by the Member States and the EFTA countries were scrutinised during the year in the light of Article 28 of the EC Treaty and relevant secondary legislation.

---

<sup>30</sup>

[1998] ECR I-4571.

## 2.6. Energy and transport

A total of 230 infringement cases were handled during the year by the Directorate-General for Energy and Transport, of which 126 involved failure to communicate measures transposing directives and 104 concerned the faulty transposal of directives or incorrect application of Community law. The number of proceedings pending declined considerably, an increasing number of cases having been closed in the report period (114, of which 62 involving the non-communication of transposal measures). This is the direct result of the spectacular improvement in the rate of transposal of directives in the transport field, which rose from 88.5% at 31 December 2000 to 94% at 31 December 2001. 62 new infringement proceedings were initiated (including 48 cases of non-communication of transposal measures) and 10 complaints were investigated by the Energy and Transport DG. The Court ruled against Member States in 10 cases.

### *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 was transposed by all the Member States. Belgium should have transposed the directive by 19 February 1999 but had not done so entirely: implementing decrees were still awaited and the Commission therefore decided to refer the matter to the Court of Justice. The infringement proceedings against France for incomplete transposal of the directive and non-conformity of its national implementing measures were closed.

Parliament and Council Directive 98/30/EC concerning common rules for the internal market in natural gas had to be transposed by 10 August 2000. France has still not done so and the Commission consequently decided to bring an action against it before the Court of Justice. The proceedings against Luxembourg and Portugal for failure to communicate transposal measures were closed. Germany has transposed only part of the directive, and infringement proceedings have been commenced accordingly: a reasoned opinion was addressed to the German authorities on 13 June.

The Commission is continuing its analysis of the conformity of national measures implementing the two directives in all the Member States.

#### 2.6.2. *Energy efficiency*

All the directives implementing Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances<sup>31</sup> have now been transposed by all the Member States.

The deadline for transposing Parliament and Council Directive 2000/55/EC of 18 September 2000 on energy efficiency requirements for ballasts for fluorescent lighting expired on 20 November and only four Member States have communicated transposal measures.

---

<sup>31</sup> Directives 94/2/EC, 95/12/EC, 95/13/EC, 96/60/EC, 96/89/EC, 97/17/EC, 98/11/EC and 1999/9/EC on the energy labelling of various household electrical appliances.

The infringement proceedings for incorrect application of Council Directive 93/76/EEC of 13 September 1993 to limit carbon dioxide emissions by improving energy efficiency (Save) were closed following the receipt of reports on application of the directive by Member States, except for Ireland and Luxembourg, to which reasoned opinions were addressed on 23 October.

#### 2.6.3. *Oil and gas*

Council Directive 98/93/EC of 14 December 1998 amending Directive 68/414/EEC imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products, due for transposal by 31 December 1999, has been transposed by all the Member States. Nevertheless, infringement proceedings were commenced against Greece for incorrect application of the directive and a letter of formal notice was sent to the Greek authorities on 23 October.

#### 2.6.4. *External relations in the energy field*

The Commission decided on 20 December to initiate infringement proceedings by issuing a letter of formal notice to Ireland for violation of the obligation of unity in the Community's international representation within the International Energy Agency as enshrined in Article 10 of the EC Treaty.

### ***Transport***

In the field of Community transport law six new directives became due for transposal during the year, but there was a marked improvement in the transposal rate. The year-on-year figures for complaints received (10) by the Commission remained stable, although the number of infringement proceedings which the Commission referred to the Court of Justice was still high at 24 (as against 39 in 2000 and 30 in 1999), bringing to 61 the total number of cases pending that the Commission has decided to refer to the Court. There were also a large number of Court rulings against Member States not complied with (15, up from 9 in 2000). Six of these cases concerned Ireland.<sup>32</sup>

#### 2.6.5. *Road transport*

The transposal of Directive 98/76/EC, which seeks to promote the exercise of the freedom of establishment of road haulage operator in national and international transport by amending Directive 96/26/EC on *admission to the occupation* of road haulage operator and road passenger transport operator, is still worrying as four proceedings against Belgium, France, Luxembourg and Sweden<sup>33</sup> for failure to notify transposition measures were still continuing before the Court of Justice. The Court gave a ruling against Luxembourg on 13 December. The proceedings against Greece and Italy were closed during the year. The Finnish authorities notified provisions transposing Directive 96/26/EC in the Åland Islands, and the case against Finland was therefore closed.

---

<sup>32</sup> Three cases involving non-compliance with a Court judgment could be definitively closed in the first quarter of 2002.

<sup>33</sup> The proceedings against Sweden could be closed in the first quarter of 2002.

Regarding *safety in the transport of dangerous substances by road*, Ireland has still not complied with the two Court rulings<sup>34</sup> against it given in 2000 for failure to communicate national measures implementing Directives 94/55/EC and 96/86/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road or Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road. Directive 99/47/EC adapting for the second time to technical progress Directive 94/55/EC on the transport of dangerous goods by road has not been transposed by Ireland, and the Commission therefore decided to refer the matter to the Court. It should be noted, as pointed out last year, that Ireland has not transposed any of the directives on road or rail transport of dangerous goods; however, three cases could be closed in the first quarter of 2002.

In the same area, the rules on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway (Directives 96/35/EC and 2000/18/EC) have been transposed by all Member States.

Ireland is the only Member State which has not yet transposed Directive 1999/52/EC 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 decided on 20 December to bring the case before the Court of Justice.

As for *road taxation*, the infringement proceedings against Belgium for non-conformity of measures implementing Directive 93/89/EEC (taxes, tolls and charges) were terminated. The Court's judgment in the case against Austria regarding tolls at the Brenner pass<sup>35</sup> has not been fully complied with, and the Commission therefore issued a letter of formal notice under Article 228(2) on 20 December. Parliament and Council Directive 99/62/EC of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures has been transposed by all the Member States except Belgium.

Concerning *driving licences*, the conformity of measures transposing Directive 91/439/EEC still gives serious cause for concern. Examination of national transposal measures reveals that in six Member States (Denmark, France, Germany, Greece,<sup>36</sup> the Netherlands and Spain) there are many discrepancies in such matters as the minimum age for a vehicle category, renewal of licences for EU citizens no longer residing in the Member State of issue, criteria for test vehicles, the duration of the practical test and minimum requirements in terms of physical and mental aptitude. The procedures for automatic registration of licences belonging to drivers who move from one country to another are incompatible with the principle of mutual recognition of driving licences.

The Court's judgment of 29 January 1998<sup>37</sup> finding against Italy for failing to comply with Decision 93/496/EEC on *state aid illegally granted to road haulage firms* in Italy has still not been complied with, and a reasoned opinion under Article 228 of the Treaty was therefore addressed to the Italian authorities on 11 July.

---

<sup>34</sup> Judgment of 26 September 2000 in Case C-408/99.

Judgment of 14 December 2000 in Case C-347/99.

<sup>35</sup> Judgment of 26 September 2000 in Case C-205/98.

<sup>36</sup> The proceedings against Greece could be closed in the first quarter of 2002.

<sup>37</sup> Case C-280/95.



This is the first time in the history of Community law that proceedings for failure to recover illegal aid have reached this stage.

#### 2.6.6. *Combined transport*

The Court ruled<sup>38</sup> in proceedings against Italy for non-conformity of national measures implementing Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States. This case could, however, be closed in the first quarter of 2002 following the adoption during the year of amending legislation by Italy.

#### 2.6.7. *Inland waterways*

The Commission started proceedings against Finland for failure to transpose five directives in the inland waterways sector<sup>39</sup> and decided on 21 December to issue reasoned opinions. Transposal of Directive 96/50/EC on harmonisation of the conditions for obtaining national boatmasters' certificates for inland waterway navigation, which was due for transposal in 1998, has given rise to non-notification proceedings. The Court of Justice ruled against France on 20 September,<sup>40</sup> while the case against the Netherlands was finally closed.

Proceedings against Germany and Luxembourg, which have concluded bilateral inland waterways agreements with third countries, are continuing with the Commission's decision to refer the two cases to the Court of Justice on the grounds that this is exclusively a matter for the Community. The decision has, however, been suspended until the Court gives a ruling on pending open skies cases.

#### 2.6.8. *Rail transport*

In the field of *carriage of dangerous goods by rail*, Directive 96/49/EC as amended by Directive 96/87/EC provides for the approximation of the laws of the Member States with regard to the transport of goods, laying down uniform safety rules in this sector to improve safety and facilitate movement of rolling stock and equipment throughout the Community. These directives, which apply to transport of dangerous goods by rail in or between Member States, have still to be transposed in Ireland, which has furthermore not complied with the Court's judgment<sup>41</sup> finding that it had failed to adopt measures transposing the two directives. Directive 1999/48/EC 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 has not been transposed by Ireland or Italy, and the Commission has accordingly decided to refer the two cases to the Court of Justice.

Directive 1999/36/EC on *transportable pressure equipment* and Directive 2001/2/EC on the same topic, which were due for transposal by 1 July 2001, have not yet been transposed by Belgium, Germany, Greece, Ireland, Italy or Portugal.

---

<sup>38</sup> Judgment of 10 May 2001 in Case C-444/99.

<sup>39</sup> Directives 76/135/EEC, 82/714/EEC, 87/540/EEC, 91/672/EEC and 96/50/EC.

<sup>40</sup> Case C-468/00.

<sup>41</sup> Judgment of 20 September 2001 in Case C-370/00.

The situation regarding Directive 96/48/EC on the *interoperability of the trans-European high-speed rail system*, the purpose of which is to promote interconnection and interoperability between national high-speed rail networks at different stages of design, construction and entry into service, but also of operation and access to networks, remains highly preoccupying despite some improvement during the year. Four Member States (Austria, Finland, Ireland and the United Kingdom) have still not notified transposal measures, and the Commission has had to refer the cases against all of them to the Court of Justice. The proceedings against France, Greece and Sweden were terminated during the year. The Court ruled against Ireland on 13 December. It should be stressed in this connection that the directive must be transposed even if there are no high-speed trains in Ireland and that it does not require technical specifications for interoperability (STIs) to be drawn up prior to transposal.

#### 2.6.9. *Air transport*

The rate of transposal of air transport directives is highly satisfactory at nearly 98%. This is chiefly due to the fact that no new directives fell due for transposal in 2000 and 2001. The rate of transposal is actually 100% for all Member States except Ireland and Luxembourg. Ireland has still not transposed Directives 98/20/EC and 1999/28/EC on the limitation of the operation of subsonic civil aeroplanes, despite the undertakings it gave last year, and both cases were referred to the Court. Directive 94/56/EC establishing the fundamental principles governing the *investigation of civil aviation accidents and incidents* had not been transposed by Luxembourg, prompting the judgment given on 16 December 1999<sup>42</sup> and the Commission's decision to bring an action before the Court under Article 228 of the Treaty.

The Commission was finally able to terminate proceedings against France for incorrect application of Directive 91/670/EEC on *mutual acceptance of personnel licences* for the exercise of functions in civil aviation.

Complaints about incorrect application of Directive 96/67/EC on *groundhandling* at airports have prompted infringement proceedings against Germany and Italy. A reasoned opinion was issued to the latter on 24 July.

The infringements noted in connection with *airport taxes* also continued. Imposition by Member States of varying rates of tax 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. The Court found against Italy and Portugal,<sup>43</sup> but those judgments were not complied with and proceedings are therefore continuing under Article 228(2) of the Treaty. The case against the Netherlands is still pending before the Court, while those against Greece and Spain were terminated.

The infringement proceedings against Belgium, Denmark, Germany, Finland, Luxembourg, Austria and Sweden relating to *bilateral open-skies agreements* with the United States and the proceedings against the United Kingdom relating to the

---

<sup>42</sup> Case C-138/99.

<sup>43</sup> Judgments of 4 and 26 July 2001 in Cases C-447/99 and C-70/99 respectively.

Bermuda II bilateral agreement are continuing in the Court of Justice. Referral decisions were taken in the infringement proceedings against France and the Netherlands concerning the open-skies agreements.

Lastly, proceedings are still pending against Greece for incorrect application of Regulation 3922/1991 on the harmonisation of *technical requirements and administrative procedures in the field of civil aviation*.

#### 2.6.10. *Transport by sea*

The Commission notes that there has been considerable progress in implementing Community sea transport law in the whole area of safety at sea, but the situation regarding freedom to provide services is less satisfactory. The rate of transposal rose from 88% in 2000 to 96.9% in 2001. No new directives fell due for transposal during the year. The Netherlands has transposed none of the directives that were adopted in 1999 and whose transposition deadline expired in 2000.

Directive 99/35/EC on a system of *mandatory surveys* for the safe operation of regular ro-ro ferry and high-speed passenger craft services has been transposed by all Member States<sup>44</sup> (except for Austria, Finland, Luxembourg, the Netherlands and Portugal) and Directive 99/97/EC on *port State control* has yet to be transposed in Luxembourg and the Netherlands.

Regarding the *safety of passenger transport by sea*, Directives 98/18/EC and 98/41/EC have finally been transposed in all Member States. Infringement proceedings against Portugal will be terminated in early 2002. These directives seek to improve safety and likelihood of rescue for passengers and crew on passenger ships bound for or leaving Community ports and to ensure more effective action in the event of an accident. However, proceedings for incorrect transposal are continuing against France and Italy, with those against Belgium still pending before the Court.

On the other hand, all the infringement proceedings for incorrect transposal of Directive 94/57/EC on common rules and standards to be observed by the Member States and ship-inspection, survey and certification organisations so as to ensure compliance with international conventions on maritime safety and marine pollution were terminated during the year.

Directive 95/21/EC (port State control), which harmonises ship inspection criteria, including rules for detention and/or refusal of access to Community ports, was finally transposed in all Member States and proceedings against Italy were terminated. Italy has also transposed the amending Directives 98/25/EC and 98/42/EC (port State control).

The cases commenced against France and Ireland for incorrect application of Directive 95/21/EC requiring Member States to *inspect at least 25% of all ships* flying foreign flags that land in their ports or navigate waters under their jurisdiction are continuing.

---

<sup>44</sup> The proceedings against Sweden will be terminated in early 2002.

As for the human element, Luxembourg and the Netherlands have still not yet notified full measures transposing Directive 98/35/EC amending Directive 94/58/EC on the *minimum level of training of seafarers*. The Court of Justice ruled on 3 July against Luxembourg.<sup>45</sup>

The transposal of Directive 97/70/EC setting up a harmonised *safety regime for fishing vessels* of 24 metres in length and over, as amended by Directive 1999/19/EC, is still creating numerous difficulties in the Netherlands, which has not yet transposed the two directives, and both cases are before the Court. Proceedings against Belgium for failure to notify measures transposing the amending directive will be terminated in early 2002. Proceedings are still in motion against Italy for non-conformity.

Compliance with Community legislation on *registration and flag rights* continues to be a problem. Arrangements for entering vessels in shipping registers and granting flag rights remain discriminatory in the Netherlands, against which proceedings are continuing before the Court.

As regards *right of establishment*, the Commission has decided to refer to the Court the case against Italy for non-conformity with Articles 43 and 48 of the Treaty of its national legislation specifying the conditions on which shipping lines lawfully established in another Member State may participate on the same terms as Italian shipping lines in the Italian conference traffic quota.

As regards *maritime cabotage*, proceedings are in hand against several Member States (Denmark, Germany, Greece, Portugal and Spain) for maintaining or adopting national rules in breach 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. The case against France for incorrect transposal of the maritime cabotage rules was closed.

The principle of freedom to provide services where *cargo-sharing agreements* between Member States and third countries are concerned, enshrined in Regulation (EEC) No 4055/86, is not yet respected by all Member States. Proceedings initiated in 2000 against Italy are still ongoing. Proceedings are continuing against Belgium.<sup>46</sup> It was reported last year that cases might be closed in 2001, but protocols with the relevant non-member countries have not yet entered into force and the procedure is therefore moving forward with the issue of reasoned opinions under Article 228(2) of the Treaty. The case concerning the cargo-sharing agreement between Portugal and Yugoslavia<sup>47</sup> is still being pursued, although it might be closed in the first half of 2002. The case concerning Angola was closed.

The Commission also pays special attention to the application of Regulation (EEC) No 4055/86, given the possible forms of *discrimination* on grounds of nationality between operators and types of transport and the barriers they can raise. Two infringement proceedings are in motion concerning the discriminatory dock dues imposed in Greece and Italy. The dues vary in accordance with the port of destination: the amounts are lower for shipping between two ports in national

---

<sup>45</sup> Case C-297/00.

<sup>46</sup> Judgments of 14 September 1999 in Cases C-170/98 and C-171/98.

<sup>47</sup> Judgments of 4 July 2000 in Cases C-62/98 and C-84/98.

territory than for international shipping. The case against Italy is currently before the Court of Justice. Several similar cases involving other Member States are under scrutiny.

Lastly, infringement proceedings against Finland were commenced (and will be opened formally in early 2002) for failing to take the necessary steps to prevent *blockades of Finnish ports* against certain ships from non-member countries.

## 2.7. Information society

The Lisbon European Council was a key stage in the convergence of the European electronic communication sector. The Heads of State and Government reaffirmed their determination to see Europe evolve towards a digital, paperless economy, an intention which has since been given substance in the *eEurope Action Plan*. Another important event is now approaching: the adoption by Parliament and the Council of a new regulatory framework.<sup>48</sup> The aim of this is to increase competition within and convergence of, markets, and forms part of the complete, coherent implementation of the current European legislation.

As far as the transposal of the regulatory framework (thirteen directives, one regulation and four decisions) is concerned, the Seventh Report on the Implementation of the Telecommunications Regulatory Package<sup>49</sup> notes that, in 2001, at least three States (France, Italy and Luxembourg) had notified their new legislation to the Commission, thus responding to its main concerns. In Greece, the national legislation was consolidated following full liberalisation, thus providing greater clarity and legal certainty.

As a result, of the cases concerning failure of national implementing measures to comply with Community law or incorrect application of Community law, in 2001 a significant number were closed (thirteen) or suspended (four) in view of the progress made by the Member States in transposing Community law. Germany is the most notable example. Proceedings had been launched pursuant to the provisions of Directive 97/13/EC on licences, because the level of fees set exceeded the level necessary to cover administrative costs. However, the German administrative courts repealed the national legislation on the level of these fees, and the action undertaken before the EC Court of Justice was consequently suspended.

In addition, six ongoing procedures for failure to transpose have been closed on the basis of the provisions set out by Directive 97/51/EC on leased lines (France and Italy), Directive 98/10/EC on voice telephony (Italy) and Article 5 of Directive 97/66/EC concerning the processing of personal data and the protection of privacy in the telecommunications sector (France, Ireland, United Kingdom). At the end of the year, following a ruling by the EC Court of Justice (case C-319/99), France also notified its implementing measures for Directive 95/47/EC on the use of standards for the transmission of television signals. However, in two cases concerning France on the one hand (C-151/00), and the Netherlands on the other (C-254/00), there has still been no notification, even though the Court of Justice noted the failure to

---

<sup>48</sup> Cf. [http://europa.eu.int/information\\_society/topics/telecoms/new\\_rf/index\\_en.htm](http://europa.eu.int/information_society/topics/telecoms/new_rf/index_en.htm)

<sup>49</sup> COM(2001) 706 of 26 November 2001; the electronic version is available at: [http://europa.eu.int/information\\_society/topics/telecoms/implementation/annual\\_report/7report/index\\_en.htm](http://europa.eu.int/information_society/topics/telecoms/implementation/annual_report/7report/index_en.htm).

transpose in 2001. Consequently, the Commission took steps pursuant to Article 228 of the Treaty and, on 21 December 2001, sent France a reasoned opinion.

The Court has ruled against Luxembourg (Case C-448/99) and France (Case C-146/100) in other cases for non-conformity of the national legislation with, in the first case, Directive 97/13/CE on licences and, in the second, with Directive 97/33/CE on interconnection. The second case had particular relevance to the requirements of the universal service fund. Thus, because of the growing body of case law in the sector, the Information Society Directorate-General now publishes on its website a *Guide to the Case Law of the European Court of Justice in the field of Telecommunications*,<sup>50</sup> which is regularly updated.

At the end of 2001, there were sixty-nine ongoing infringement procedures, twelve of which had been opened on the basis of complaints lodged by the Directorate-General for the Information Society. There are still a considerable number of ongoing actions which have been brought for failure to notify implementing measures (fourteen since the entry into force of the Directive on electronic signature<sup>51</sup> on 18 July 2001). Furthermore, the number of cases relating to non-conformity of Community law (nineteen) or to the incorrect application of the latter via implementing measures (thirty-six) is constantly rising.

It should also be noted that, at the end of 2001, a significant number of infringement proceedings had been closed by a judgment by the Court of Justice (three for failure to notify, three for non-conformity, three for incorrect application) or had been the subject of a reasoned opinion (one for failure to notify, five for non-conformity and three for incorrect application).

The principal questions pending are now the following.

After proceedings were initiated in 2000 against nine Member States pursuant to Directive 98/61/EC on number portability, reasoned opinions were sent to the Netherlands and the United Kingdom, and cases were referred to the Court of Justice concerning Germany and Sweden, on the one hand, for failure to preselect an operator for local calls, and France, on the other, for lack of total portability of the number.

In 2001, in order to ensure a minimum level for the free detailed invoices provided to consumers, thus enabling them to check the cost of calls, proceedings were initiated against six Member States under the new Directive 98/10/EC on voice telephony. Reasoned opinions were sent to Luxembourg and Austria on the same subject before the end of the year.

There still remains a fairly small number of cases of incomplete transposition or failure to notify. These mainly concern Directives 97/66/EC and 95/47/EC, as referred to above.

---

<sup>50</sup>

[http://europa.eu.int/information\\_society/topics/telecoms/implementation/infringement/doc/gui-decaselaw.pdf](http://europa.eu.int/information_society/topics/telecoms/implementation/infringement/doc/gui-decaselaw.pdf)

<sup>51</sup> Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures, OJ L 13, 19/01/2001, p. 12.

Six infringement proceedings for failure to notify national implementing measures were opened in 2001 pursuant to the Directive on electronic signature. Letters of formal notice were therefore sent to Ireland, Italy, the Netherlands, Finland, Portugal and the United Kingdom.

The European Commission also decided to open infringement proceedings against Greece, Portugal and Germany for not ensuring that shared access to the local loop was offered to competitors in conformity with the Regulation on unbundled access to the local loop<sup>52</sup>, which has applied since 2 January 2001 (cf. IP/01/1896).

Overall, given the extent of the current legislation in telecommunications and the relatively short time which has elapsed since it was adopted in its entirety, there has been a remarkable degree of transposal, thanks to the efficiency of infringement proceedings (more than two hundred cases have been closed in the last three years).

## **2.8. Environment**

### *2.8.1. Introduction*

The environment sector represented over a third of the complaints and infringement cases concerning instances of non-compliance with Community law investigated by the Commission in 2001. During this year, the Commission brought 71 cases against Member States before the Court of Justice and delivered 197 reasoned opinions (on the basis of either Article 226 or 228). This marks an increase of approximately 40% on the corresponding figures of the previous year. In this respect, it must be borne in mind that the Commission aims to settle suspected infringements as soon as they are identified without it being necessary to initiate formal infringement proceedings.

The increasing number of environmental cases is due to several factors:

- The Commission's regular monitoring of the conformity of the national implementing measures notified by the Member States pursuant to their obligation to transpose Community directives.
- The public's increasing concern on environmental issues, and its greater awareness of Community environmental law and of the possibility to bring instances of non-compliance to the attention of the Commission, in particular in the framework of Commission's complaints handling<sup>53</sup>.
- The organisational difficulties in the Member States in ensuring full compliance with Community environmental law, arising from their own constitutional and/or administrative structure, since responsibility for implementation often lies with more than one authority (different ministries, central, regional or local authorities, etc).
- The wide scope and the ambition of Community environmental legislation, in particular in key directives such as Directive 92/43/EEC on the conservation of natural habitats and wild flora and fauna<sup>54</sup> or Directive 85/337/EEC on the

---

<sup>52</sup> Regulation No 2887/2000 of the European Parliament and of the Council of 18 December 2000 on unbundled access to the local loop, OJ L 336, 30/12/2000, p. 4.

<sup>53</sup> See standard form for complaints to the Commission, OJ C 119, 30.4.1999, p. 5.

<sup>54</sup> OJ L 206, 22.7.1992, p. 7.

assessment of the effects of certain public and private projects on the environment<sup>55</sup>, as modified by Directive 97/11/EC.<sup>56</sup> Both of them include far-reaching environmental assessment obligations to be taken into account in planning and authorising a specific project and therefore involve decision-making across a wide range of policy sectors that are in many cases devolved to several regional and local authorities and attract a great deal of public attention.

- The non-existence or relative inefficiency of complaint mechanisms in Member States.

Recourse to the infringement proceedings set out in Articles 226 and 228 of the EC Treaty is not, however, the only, nor often the most efficient way to ensure compliance with environmental directives. In many cases, complainants can obtain satisfaction more quickly by using means of redress under national law. The possibility of creating cheaper and more efficient access to justice at Member State level in line with the Århus Convention<sup>57</sup>, as well as the establishment of reliable national/regional complaint mechanisms and arbitration schemes, will be the subject of a proposal for a directive to be tabled in 2002.

The Commission, and in particular its Environment Directorate-General, has, in its turn, increased its efforts to take a more pro-active approach towards the Member States to help them better transpose and apply environmental directives. Several seminars were held in 2001 in a number of Member States where the Commission's view on the correct implementation of particularly complex environmental directives was explained to the competent authorities with a view to preventing, rather than correcting, instances of bad application.

The Article 228 procedure has continued to serve as a last resort to force Member States to comply with the judgments given by the European Court of Justice. In 2001, the Commission brought three cases before the Court under Article 228 and sent 15 letters of formal notice and 7 reasoned opinions for failure to notify, non-conformity or incorrect application under Article 228. Two of the three cases brought before the Court in 2001 under Article 228 were withdrawn as the Member States concerned took the necessary measures to comply with the judgment. More details are given in Annex V to this report.

The Commission is continuing the practice of using Article 10 of the Treaty, which requires Member States to cooperate in good faith with the Community institutions, in the event of a consistent lack of reply to Commission letters of request for information. This lack of cooperation prevents the Commission from acting effectively as guardian of the Treaty.

No major developments have occurred since last year's report in the *notification by Member States of measures implementing environmental legislation*. Nine directives fell due for transposition in 2001.

---

<sup>55</sup> OJ L 175, 5.7.1985, p. 40.

<sup>56</sup> OJ L 73, 14.3.1997, p. 5.

<sup>57</sup> UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.



As before, the Commission was forced to start proceedings in several cases of failure to notify it of transposing measures. Details are given in the sections on individual sectors and directives and in Annex IV (Parts 1 and 2) of this report.

Proceedings are in hand in all areas of environmental legislation and against all the Member States in connection with the *conformity of national transposing measures*. Monitoring the action taken to ensure conformity of Member States' legislation with the requirements of the environmental directives is a priority task for the Commission. In connection with transposition of Community provisions into matching national provisions, there has been some improvement as regards the provision, along with the statutory instruments transposing the directives, of detailed explanations and concordance tables. This is done by Germany, Finland, Sweden, the Netherlands, France and sometimes Denmark and Ireland.

The Commission is also responsible for checking that *Community environmental law* (directives and regulations) *is properly applied*, and this is a major part of its work. This means checking Member States' practical steps to fulfil certain general obligations (designation of zones, production of programmes, management plans etc.) and examining specific cases in which a particular administrative practice or decision is alleged to be contrary to Community law. Complaints and petitions sent to the European Parliament by individuals and non-governmental organisations, and written and oral parliamentary questions and petitions, generally relate to incorrect application.

As stated in the previous report, the Commission must, when considering individual cases, assess factual and legal situations that are very tangible and are of direct concern to the public. It therefore encounters certain practical difficulties. Without abandoning the pursuit of incorrect application cases (especially those which highlight questions of principle or general interest or administrative practices that contravene the directives) the Commission consequently concentrates on problems of communication and conformity.

The Commission continued work in 2001 as a follow-up to the Communication adopted in October 1996 ("Implementing Community Environmental Law"), in particular with regard to environmental inspections. In this respect, the adoption of the Recommendation of the European Parliament and the Council on Minimum Criteria for Environmental Inspections (2001/331/EC) is particularly worth noting. The recommendation draws heavily on the work which had been done in previous projects under IMPEL ("Implementation and Enforcement of EU Environmental Law" network). It includes several tasks which IMPEL is specifically invited to undertake and it will be one of the principal features of IMPEL's work programme over the next few years. These include establishing a scheme under which Member States report and offer advice on inspectorates and inspection procedures in Member States; drawing up minimum criteria concerning the qualifications of environmental inspectors and developing training programmes; and preventing illegal cross-border environmental practices by coordinating inspections with regard to installations which might have significant cross-border impact.

### 2.8.2. *Freedom of access to information*

Directive 90/313/EEC on the freedom of access to information on the environment is a particularly important piece of general legislation: keeping the public informed

ensures that all environmental problems are taken into account, encourages enlightened and effective participation in collective decision-making and strengthens democratic control. The Commission believes that, through this instrument, ordinary citizens can make a valuable contribution to protecting the environment.

Although all Member States have notified national measures transposing the Directive, there are several cases of *non-conformity* where national law still has to be brought into line with the requirements of the Directive. An overview of the stage reached in proceedings in these cases is given in Annex IV, Part 3.

Among the most common subjects of complaint brought to the Commission's notice are: refusal by national authorities to provide the information requested, slowness of response, excessively broad interpretation by national government departments of the exceptions to the principle of disclosure, and unreasonably high charges. Directive 90/313/EEC is unusual in containing 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.

### 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 amending Directive 85/337/EEC was 14 March 1999. Infringement cases concerning non-communication of the transposal measures are listed in Annex IV, Part 2.

Directive 2001/42/EC of the European Parliament and of the Council was adopted on 27 June 2001<sup>58</sup>. 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.

Problems with the conformity of national measures with the Directive have persisted. An overview of the stage reached in infringement proceedings in these cases is given in Annex IV, Part 3.

In a judgment given on 14 June 2001 (Case C-230/00), the Court condemned Belgium for the possibility of granting tacit approvals for many types of plans and projects falling under the Directive and certain other directives. The Court held that tacit authorisation cannot be compatible with the Directive 85/337 which requires assessment procedures preceding the grant of authorisation whereby the national authorities are required to examine individually every request for authorisation.

---

<sup>58</sup> OJ L 197, 21.7.2001, p. 30.

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. 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.

In the course of 2001 the Commission took action in a small number of cases involving incorrect application of the environmental assessment procedure in the context of individual infrastructure projects. An overview of the stage of proceedings reached in these infringement cases is given in Annex IV, Part 4.

#### 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.

Article 3 of the Directive was due to be transposed by 21 May 1998. By the end of 2001, all Member States except Spain had complied with their obligation to notify measures implementing Article 3 of the Directive. In a case brought by the Commission the Court condemned Spain for failing to adopt within the prescribed period the laws, regulations and administrative provisions necessary to designate the competent authorities and bodies referred to in the first paragraph of Article 3 of the Directive (judgment of 13 September 2001 in Case C-417/99).

All the other articles of the Directive had to be transposed by 19 July 2001. By the end of 2001 Belgium (Flanders), United Kingdom, Ireland, Greece, Spain and Germany had still not notified the national implementing measures for those articles.

Five directives in the air sector were to be transposed by Member States during 2001. Infringement cases concerning non-communication of these directives are listed in Annex IV, Part 2.

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.

There are several cases under way over infringements of Directive 75/440/EEC concerning the quality required of surface water intended for the abstraction of drinking water. Some of the proceedings concern the preparation of systematic action plans (Article 4(2)) as an essential part of the effort to safeguard water quality (nitrates, pesticides, etc.) Others are concerned with the criteria for exemptions under Article 4(3).

In its judgment of 8 March 2001 (Case C-266/99), 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. As France did not comply with the judgment, the Commission decided to send a letter of formal notice on the basis of Article 228 of the EC Treaty to France.

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 are still under way against most 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.

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](http://www.europa.eu.int/water/water-bathing/report)).

In 2001, the Court condemned three Member States for insufficient water quality and/or sampling frequency: France (Case C-147/00, Judgment of 15 March 2001), the United Kingdom (Case C-427/00, Judgment of 13 November 2001) and Sweden (Case C-368/00, Judgment of 14 June 2001). The Commission continued court action against the Netherlands (Case C-268/00) and brought a similar action against Portugal (Case C-272/01) and Denmark (Case C-226/01).

Proceedings have been started against most Member States over their implementation of Directive 76/464/EEC on dangerous substances discharged into the aquatic environment and of the directives setting levels for individual substances.

The Court has given several judgments against Member States who have not yet notified sufficient measures to ensure compliance with Article 7 of the Directive. An overview of the stage reached in proceedings in these and other infringement cases under Directive 76/464/EEC is given in Annex IV, Part 3 (non-conformity) and Part 4 (incorrect application).

The Commission intends to facilitate the adoption by the Member States of programmes under Article 7 of Directive 76/464/EEC by drafting a guidance document on this issue. With this document the Commission aims to support Member States in the implementation of both the existing Directive and (Article 7 of Directive 76/464/EEC) and the new Water Framework Directive 2000/60/EC. The document will identify eight elements to be included in the programmes on pollution reduction.

Concerning Directive 80/778/EEC on drinking water, the Commission initiated and continued a small number of infringement cases relating to application of the Directive, particularly concerning poor quality of drinking water. 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 2003<sup>59</sup>, was due to be transposed into national law by 25 December 2000. Member States may have to take steps immediately to ensure compliance with the new limit values under the new directive. Infringement cases concerning failure to notify implementing measures for this Directive are listed in Annex IV, Part 2.

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

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. In addition to checking notification and conformity of the implementing measures, the Commission must therefore now follow up cases of incorrect application. 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 2001, several infringement actions were taken due to insufficient designation of sensitive areas or non-compliance with the requirements for urban waste water treatment. 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. As it has done in the past, during 2001 the Commission took several infringement actions concerning lacking or insufficient designation of vulnerable zones as well as the failure to establish action programmes as required by the Directive. Overview of the stage of proceedings in these cases is given in Annex IV, Part 4.

In 8 November 2001, the Court gave its judgment in the case against Italy over action programmes and reporting requirements (Case C-127/99). The Court condemned Italy for having failed to establish action programmes within the meaning of Article 5 of the Directive, carry out the monitoring operations prescribed by Article 6, and to submit to the Commission a report under Article 10.

---

<sup>59</sup> OJ L 330, 5.12.1998, p. 32.

In its judgment of 8 March 2001, the Court condemned Luxembourg in Case C-266/00 for failing to adopt the implementing measures needed to comply with several provisions of the Directive.

#### 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, several conformity problems remain unresolved. In 2001, the Commission had to continue infringement actions against many Member States, notably concerning hunting periods and hunting practices not in line with the Directive.

In its judgment of 17 May 2001 (Case C-159/99) the Court found that, by laying down rules permitting the capture and keeping of the species *Passer italiae*, *Passer montanus* and *Sturnus vulgaris*, contrary to the combined provisions of Articles 5 and 7 of the Directive, Italy had failed to fulfil its obligations under 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.

As in the past, the main problems with the implementation of Directives 79/409/EEC and 92/43/EEC relate to the classification of special protection areas (SPA) for birds and the 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. During 2001, the Commission continued infringement actions against France (Case C-202/01), Finland (Case C-240/00), Italy (Case C-378/01), Portugal, Spain and Luxembourg.

Member States continued to propose SCIs in accordance with Article 4(1) of Directive 92/43/EEC. During 2001, the Commission continued infringement proceedings against Austria, Belgium, Portugal, Sweden and the United Kingdom. The lists submitted by these Member States are either not satisfactory or are under assessment subject to the results of biogeographical seminars. In its judgment of 11 September 2001, the Court condemned Ireland (Case C-67/99), Germany (Case C-71/99) and France (Case C-220/99) for failing to transmit to the Commission, within the prescribed period, the list of sites mentioned in Article 4(1), first subparagraph, of Directive 92/43/EEC.

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 2001.

During 2001, 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.

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). By the end of 2001, court actions were pending against Greece for threats to a species of turtle (*Caretta caretta*) on the island of Zakynthos (Case C-103/00) and against the United Kingdom for its failure to ensure the proper protection of the great crested newt (*Triturus cristatus*) (Case C-434/01). A reasoned opinion was sent to Germany for failure to properly protect the habitats of an endangered hamster (*Cricetus cricetus*) population at Horbacher Börde near Aachen close to the border with the Netherlands, one of the most important sites for this species in north-west Germany.

#### 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 outdoors<sup>60</sup> 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 had to start infringement proceedings against thirteen Member States. By the end of 2001, infringement proceedings were still open against eleven Member States who had not yet adopted and notified their implementing measures, or had not done so for the whole of their territory.

#### 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 specific environmental risks.

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. Thus, Commission Directive 2000/32/EC of 19 May 2000 adapting Directive 67/548/EEC to technical progress for the 26th time, had to be transposed by 1 June 2001. In

---

<sup>60</sup> OJ L 162, 3.7.2000, p. 1.

addition, the transposal deadline for the Commission Directive 2000/21/EC of 25 April 2000 concerning the list of Community legislation referred to in the fifth indent of Article 13(1) of Directive 67/548/EEC was 1 April 2001.

In this context, Member States are still frequently late in notifying their implementing measures, but the Commission automatically commences proceedings in order 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 products<sup>61</sup> was due to be transposed by the Member States by no later than 14 May 2000. At the end of 2001, there were still many Member States who had not yet notified their implementing measures, as demonstrated by the infringement cases 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. In its judgment of 18 October 2001, the Court found 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). A few infringement actions were continued against Member States as regards incorrect transposition and incorrect application of Directive 86/609/EEC (see Annex IV, Part 3 and Part 4 for the overview of the stage reached in these proceedings).

#### 2.8.9. *Waste*

Infringement proceedings in relation to waste continue to abound, concerning both formal transposition and practical application. As mentioned in the last report, the most likely explanations for the difficulties in enforcing Community law in these matters are as much the need for changes in the conduct of private individuals, public services and business firms as the costs of such changes.

Regarding the framework directive on waste (Directive 75/442/EEC, as amended by Directive 91/156/EEC), the 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.

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 waste dumping (uncontrolled dumps, controversial siting of planned controlled tips, mismanagement of lawful tips, water pollution caused by directly discharged waste). The Directive requires that prior authorisation be obtained for waste-disposal and waste-reprocessing sites; in the case of waste-disposal, the authorisation must lay down conditions to contain the environmental impact.

---

<sup>61</sup> OJ L 123, 24.4.1998, p. 1.



The adoption by the Council on 26 April 1999 of Directive 1999/31/EC on the landfill of waste<sup>62</sup> clarifies the legal framework in which sites employing this method of disposal 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. The transposal of this Directive by the Member States has been very slow, as demonstrated by the list of infringement cases concerning non-communication under this Directive in Annex IV, Part 2.

As mentioned in previous reports, 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.

In its judgment of 4 July 2000 (Case C-387/97), the Court decided to impose a financial penalty of €20 000 per day on Greece for non-compliance with the judgment of the Court of 7 April 1992 (Case C-45/91). The case concerns the existence and the functioning of an illegal solid waste dump in Kouroupitos in the region of Chania where domestic waste, limited quantities of both dangerous waste (for example, waste oils and batteries) and different kinds of commercial and industrial waste were illegally dumped. The Commission has periodically sent the Greek authorities letters requesting payment of the daily penalty of €20 000 from 4 July 2000 to February 2001 included. In March 2001, the site was closed and the waste was treated in an appropriate installation. Therefore, the Commission considered that Greece had complied with the judgment and closed the case. Greece has paid all the amounts due within the deadlines set, representing a total sum of €5 400 000.

In addition, the Commission took a number of infringement actions involving incorrect application of the Waste Framework Directive. These cases normally concern local problems relating to illegal landfills and/or uncontrolled treatment of waste, sometimes involving non-existent or insufficient environmental impact assessments.

Regarding Directive 91/689/EEC on hazardous waste, Member States still had problems in transposing the national legislation correctly.

Given that planning is such an important part of waste management, the Commission decided in October 1997 to start infringement proceedings against all Member States except Austria, the only State to have established a planning system for waste management. These proceedings are still continuing and 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.

In his Opinion of 5 July 2001, the Advocate-General held that, by failing to draft waste management plans for the whole country for all categories of waste, and by failing to include a chapter on packaging waste in them, France has breached Article

---

<sup>62</sup>

OJ L 182, 16.7.1999, p. 1.

7(1) of the Waste Framework Directive, Article 6(1) of Directive 91/689/EEC and Article 14 of Directive 94/62/EC.

The Commission continued court actions brought earlier against the United Kingdom (Case C-35/00) and against Italy (Case C-466/99) in respect of all three categories of plans. In both cases the Advocate-General agreed with the Commission (Opinion of Mr Mischo 20 September 2001 in Case C-466/99 and Opinion of Mr Tizzano 11 September 2001 in Case C-35/00).

In its judgment of 11 December 2001, the Court stated that, by failing to forward to the Commission the report required for the period from 1995 to 1997 under Article 18 of Council Directive 75/439/EEC, as amended by Directive 91/692/EEC, within the period fixed by that provision, the Italian Republic had failed to fulfil its obligations under that directive (Case C-376/00).

As regards Directive 91/689/EEC on hazardous waste, 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 2001, a court action against Greece (Case C-33/01) was brought on this point.

Regarding Directive 75/439/EEC on the disposal of waste oils, the Commission opened infringement proceedings against 11 Member States for the non-conformity 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 and organisational constraints so allowed. The Commission sent reasoned opinions to Austria, Ireland, Portugal and the United Kingdom, and the replies given by the France, Finland, Netherlands, Belgium, Sweden and Denmark to the letters of formal notice were being examined. The Commission also sent a letter of formal notice to Greece.

#### *2.8.10. Environment and industry*

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 many 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.

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 2001, proceedings for non-communication of the transposition measures to the Commission still had to be continued, as demonstrated by the list of infringement cases under this Directive in Annex IV, Part 2.

#### *2.8.11. Radiation protection*

In 2001, as well as in 2000, the number of submissions of national draft legislation under Article 33 of the Euratom Treaty was high because a large number of Member States were still working on the transposal of two main radiation protection Directives, 96/29/Euratom and 97/43/Euratom, that should have been transposed by

May 2000. The Commission received 13 submissions under Article 33 of the Euratom Treaty. Some of them have been examined and commented on, although no formal recommendation was issued during 2001. Nevertheless, in cases of late communication where an infringement procedure for non-communication was pending, the Member States were immediately informed that no recommendation would be issued, so that the national legislative procedure could be completed without delay.

Article 35 of the Euratom Treaty provides that each Member State must establish the facilities necessary to carry out continuous monitoring of the level of radioactivity in the air, water and soil and to ensure compliance with the basic standards. The Commission can verify the operation and efficiency of such facilities. During 2001, the Commission carried out one verification under Article 35 in Austria.

Article 37 aims to forestall radioactive contamination of the environment in another Member State, thereby protecting the general public against the dangers arising from ionising radiation. Accordingly, Member States must provide the Commission with general data relating to any plan for the disposal of radioactive waste. The Commission assesses the data in order to determine whether the implementation of the plan could cause radioactive contamination of the water, soil or airspace of another Member State. The Commission issues an opinion on the subject, which the Member State has to take into account prior to the authorisation for disposal of radioactive waste. The Commission received 17 submissions from Member States under Article 37 of the Euratom Treaty in 2001 and issued 6 opinions.

The Commission decided to send a reasoned opinion to the United Kingdom in December 2001 for the failure to fulfil its obligations under Article 37, because it had not submitted the general data relating to dismantling of the JASON research reactor.

As mentioned above, the deadline for transposal of the two main directives in the area of 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), expired on 13 May 2000.

Directive 96/29/Euratom introduces a wider scope and a more detailed set of provisions in order to protect the health of workers and general public soundly and comprehensively. For this purpose, the Directive reduced the dose limits, set new requirements for the justification of all practices involving ionising radiation and introduced an extended ALARA-principle, according to which doses must be kept As Low As Reasonably Achievable. The Directive covers practices, work activities including natural radiation sources and intervention situations. It also clarifies the concept of clearance and exemption for materials containing radioactivity. Finally, the Directive includes new requirements for the assessment of population dose. Infringement cases concerning failure to notify measures implementing this Directive are listed in Annex IV, Part 2.

Directive 97/43/Euratom improves the level of radiological protection for patients and medical staff. It takes into account the new developments in medical procedures and equipment and the experience gained from the operational implementation of the

former directives. It lays down a more precise description for the justification principle, regulates the distribution of responsibilities and sets requirements for qualified experts in the medical area. Infringement cases concerning failure to notify measures implementing this Directive are listed in Annex IV, Part 2.

Directive 89/618/Euratom on informing the public includes requirements on informing the general public about health protection measures to be applied and steps to be taken in the event of radiological emergency. The Commission decided to refer France and Germany to the Court, since their legislation did not fully comply with the Directive.

## 2.9. Fisheries

### *Introduction*

The Commission has continued to monitor the implementation by the Member States of the national legislative measures on resource conservation and management enacted under the common fisheries policy (measures to control fishing activities, technical conservation measures and technical measures applicable in the Mediterranean).

The Commission has not detected any cases of incompatibility of national measures with the Community legislation that could justify initiating infringement proceedings.

### *Resources*

On 1 February 2001, the Court of Justice ruled against France<sup>63</sup>, finding that it had failed to meet its obligations of control and inspection of fishing activities in 1988 and 1990.

Within the framework of proceedings for failure to comply with the control requirement by exceeding certain quotas allocated to Sweden and Ireland in 1995 and 1996, to Belgium in 1991, 1992, 1993, 1994, 1995 and 1996 and to Portugal in 1994, 1995 and 1996, the Commission sent reasoned opinions to these Member States on 20 February, 12 March, 31 July and 5 November respectively. The Commission also decided, on 18 July, to refer to the Court an appeal against Denmark based on overruns in 1990, 1991, 1992, 1993, 1994, 1995 and 1996.

## 2.10. Internal market

### 2.10.1. *Free movement of goods*

#### **Application of Articles 28 *et seq.* EC (ex-Articles 30 *et seq.* of the EC Treaty)**

The volume of infringement dossiers on obstacles to trade (application of Article 28 *et seq.*)<sup>64</sup>, remains relatively stable. However, litigation is becoming increasingly complex in technical terms because of the aspects relating to protection of public health, consumers or the environment. Several important cases in this area are

---

<sup>63</sup> Case C-33/99, ECR 2001, p I-1025.

<sup>64</sup> See webpage [http://europa.eu.int/comm/internal\\_market/en/goods/mutrec.htm](http://europa.eu.int/comm/internal_market/en/goods/mutrec.htm)

pending before the Court of Justice, which should rule on them in 2002. The Commission's departments responsible for this litigation have continued to give priority to dialogue with the national authorities, notably in package meetings, so as not to have to use infringement proceedings except in cases where real disagreement persists. These package meetings have again proved their usefulness and effectiveness as a great many cases have been raised and dealt with. Practical seminars on the application of the principle of mutual recognition have also been organised in several of the countries that are candidates for accession. In view of their success and the fact that they have been recognised as being useful, other seminars will be organised in 2002 in the other candidate countries in order to improve the knowledge and practice of mutual recognition by their administrations.

The Commission also stepped up its activities providing information about and promoting Decision 3052/95/EC of the European Parliament and of the Council<sup>65</sup>, pursuant to which the Member States are required to notify the Commission of national measures which constitute exceptions to the principle of the free movement of goods. The number of notifications received still appears to be insufficient. This finding, as well as certain proposals for improvements, had already been highlighted in the report on the implementation of the decision in 1997 and 1998 published by the Commission on 7 April 2000<sup>66</sup>.

As for the mechanism for rapid intervention in the event of serious obstacles to the free movement of goods, the warning system provided for in Article 3 of Council Regulation (EC) No 2679/98 of 7 December 1998 on the functioning of the internal market in relation to the free movement of goods<sup>67</sup> was used 7 times in 2001, as compared with 18 in 2000.

#### **Liability for defective products (Directive 85/374/EEC as amended<sup>68</sup>)**

All the Member States have transposed the amendment made by Directive 1999/34/EC<sup>69</sup>, the purpose of which is to extend the rules of liability without fault to primary agricultural products. Also, on 31 January 2001 the Commission adopted the second report on the implementation of the directive.<sup>70</sup>

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

With regard to the freedom to provide services (Articles 43 and 49 et seq. of the EC Treaty) and within the framework of the implementation of its Internal Market Strategy for Services<sup>71</sup>, the Commission has continued to process a considerable number of complaints made by undertakings or users of services in a wide variety of fields, such as security, accounting and audit services, bus transport, services provided by mountain guides, flying clubs, museums, health services provided by medical laboratories or pharmacies, aerial work, fairs, temping agencies, patent agents, artists, etc. Furthermore, as far as health services are concerned, the Court of

---

<sup>65</sup> OJ L 321, 30.12.1995, p. 1.

<sup>66</sup> COM (2000) 194 final.

<sup>67</sup> OJ L 337, 12.12.1998, p. 8.

<sup>68</sup> OJ L 210, 7.08.1985, p. 29.

<sup>69</sup> OJ L 141, 4.06.1999, p. 20.

<sup>70</sup> COM (2000) 893 final (see also the site mentioned in footnote 64).

<sup>71</sup> COM (2000) 888 final.

Justice gave two judgments on 12 July 2001 (Cases C-157/99 and C-368/98) reinforcing the rights of insured persons regarding the reimbursement of the costs incurred for a surgical operation in another Member State. These rulings confirm the precedent established in *Kohll et Decker*<sup>72</sup> and make it clear that medical activities, including hospital services, do indeed fall within the scope of freedom to provide services. Furthermore, in the field of the information society and the media, on 29 November 2001 (Case C-17/00), responding to a request for a preliminary ruling, it issued a judgment declaring that taxes on parabolic antennas as imposed by certain communes in Belgium were not compatible with Article 49 of the EC Treaty, in line with the position adopted by the Commission in its communication of 27 June 2001<sup>73</sup> and certain infringement proceedings on this subject<sup>74</sup>.

In the field of **commercial communications**, the Commission is continuing its policy and has decided to refer to the Court of Justice the "Loi Evin" case against France concerning restrictions on advertising and sponsorship services in the broadcasting of sports events by French television channels. By contrast, it has closed certain cases of infringements following the liberalisation of the German legislation on discounts and premiums.

As for the **media in the information society**, in 2001 the Commission sent seven reasoned opinions for failure to notify the national measures implementing Directive 98/84/EC of the European Council and of the Parliament on conditional access. In three cases, it decided to refer them to the Court.

As far as **financial services** are concerned, the *insurance* sector saw the relaunch of infringement proceedings on the no-claims bonus (France, Belgium, Finland and Luxembourg all received reasoned opinions on this subject in 2001) within the framework of the monitoring of the Interpretative Communication on the Freedom to Provide Services and the General Good. Two dossiers opened against Belgium and Finland on their legislation on insurance against accidents at work have been resolved. Finally, the process of transposing Directive 98/78/EC (insurance groups) is almost finished: only Greece, which is before the Court, and Portugal have still not notified their implementing measures.

In the field of *securities*, on 20 December 2001 the Commission referred an action to the Court against the UK for failure to fulfil its obligations of transposing, in the territory of Gibraltar, Directive 97/9/EC of the European Parliament and the Council on investor-compensation schemes<sup>75</sup>.

As for *payment systems*, Regulation (EC) No 2560/2001<sup>76</sup> on cross-border payments in euro was formally adopted on 19 December 2001 by the European Parliament and the Council on a proposal by the Commission of 25 July 2001<sup>77</sup>. This regulation aims to reduce bank charges for cross-border payments in euro, by aligning them on those which apply at national level. It comes into force on 1 January 2002. It is binding in its entirety and directly applicable in all Member States. The transposal of Directive

---

<sup>72</sup> Case C-158/96, ECR 1998 p I-1931.

<sup>73</sup> COM (2001) 351 final.

<sup>74</sup> See IP 99/281 and 00/237.

<sup>75</sup> OJ L 84, 26.3.1997, p. 22.

<sup>76</sup> OJ L 344, 28.12.2001.

<sup>77</sup> COM (2001) 439 final.

98/26/EC on settlement finality in payment and securities settlement systems should be complete by 11 December 1999. All the Member States which had not notified their implementing measures in 1999 did so in 2001. The Commission has therefore been able to close the infringement proceedings.

### 2.10.3. *The business environment*

In the field of **intellectual property**, five Member States (Denmark, Finland, Greece, Ireland, United Kingdom<sup>78</sup>) notified their national implementing measures for Directive 98/44/EC on the legal protection of *biological inventions*. The Court of Justice issued an important ruling on 9 October 2001 (Case C-377/98) in which it rejected the action for annulment brought by the Netherlands against this Directive.

As regards *designs*, the period for transposal of Directive 98/71/EC on the legal protection of designs expired on 28 October 2001. On 31 December 2001, 3 Member States (Denmark, France, Italy) notified the Commission of the national legal provisions which they adopted to comply with the Directive.

In the field of *copyright and related rights*, there are six directives in force<sup>79</sup>. All the Member States have notified their national measures implementing all the directives. Infringement proceedings have reached the reasoned opinion stage for Belgium, Denmark and the United Kingdom concerning Council Directive 92/100/EEC on rental right and lending right. Two own-initiative actions for infringements have been brought against Sweden and Finland regarding incorrect transposal of Directive 96/9/EC of the European Parliament and of the Council on the legal protection of databases. A case against Ireland was referred to the Court for its failure to ratify the Berne Convention (1971 Paris Act). The case (C-13/2000) is still pending and Ireland has still not notified its act of accession to the Convention.

The Commission continued to work towards a homogeneous, effective application of **public procurement** law in the Member States. To this end, it adopted two interpretative communications aiming to clarify the possibilities of incorporating environmental and social considerations into public procurement contracts.<sup>80</sup> It also adopted a directive imposing the requirement to use standard forms in the publication of public contracts in the Official Journal, which will contribute to greater transparency and efficiency in public contracts and facilitate electronic contracts.<sup>81</sup>

Generally speaking, the transposal of the "public contracts" directives in the Member States has improved. However, the number of complaints for incorrect

---

<sup>78</sup> The UK has only partially transposed it (measures implementing Article 12 of the Directive are still awaited).

<sup>79</sup> 87/54/EEC (topographies of semi-conductor products), 91/250/EEC (computer programmes), 92/100/EEC (rental and lending rights), 93/83/EEC (cable and satellite), 93/98/EEC (term), 96/9/EC (databases).

<sup>80</sup> Interpretative communication of the Commission on the Community law applicable to public procurement and the possibilities for integrating environmental considerations into public procurement and Interpretative Communication of the Commission on the Community law applicable to public procurement and the possibilities for integrating social considerations into public procurement, published in OJ No C 333, 28 November 2001.

<sup>81</sup> Commission Directive 2001/78/CE of 13 September 2001 on the use of standard forms in the publication of public contract notices, OJ L 285, 29.10.2001.

application has increased. In 2001, the Commission examined 356 complaints in the field of public contracts. A number of examples are given below.

In connection with a procedure to award a service contract for the installation of a radio communication system for the British police forces, the Commission took the view that, when the contracting authorities are drawing up technical specifications with reference to a European standard, they must also accept products and services which are equivalent in terms of their performance. Following discussions with the Commission, the British authorities eventually accepted the reasoning behind this position and adopted a circular in order to inform the contracting authorities accordingly.

Similarly, in an instruction to the contracting authorities, the British authorities took the view that the obligation to ensure genuine competition imposed by the Community directives for restricted invitations to tender was respected when the contracting body set the minimum number of tenderers at three. The Commission contested this interpretation and, on the basis of the *Commission v France* ruling,<sup>82</sup> told the British authorities that the number of participants in a restricted invitation to tender could not be less than five. Consequently, following the Commission's intervention, the British authorities modified their instruction.

The European Commission also sent a reasoned opinion for failure to comply with a judgment declaring France to have failed to fulfil its obligation to completely transpose Directive 92/13/CEE (remedies in the utilities sectors). As a result, the French authorities finally notified their national measures implementing the directive.

In its "Alcatel" judgment<sup>83</sup> on the Directive on Review Procedures (89/665/EEC), the Court ruled that the Member States are required to provide a review procedure enabling unsuccessful tenderers or candidates to have the decision awarding the contract set aside if it is unlawful, before the contract is signed, regardless of whether it is possible to obtain damages once the contract has been signed. Following this judgment, the Commission decided to refer Austria to the Court as four of its nine Länder – Salzburg, Styria, Lower Austria and Carinthia – have not yet adopted the measures needed to comply with the judgment.

The Commission launched infringement proceedings in connection with a public contract to build the new La Scala theatre in Milan, since it considered that the direct execution of infrastructure work offset against development charges due to the local authority gives rise to contracts for pecuniary interest which fall within the scope of the Public Procurement Directives. Moreover, the Court of Justice also confirmed the Commission's position in its "Scala" preliminary ruling<sup>84</sup>. The Commission subsequently decided to send Italy a reasoned opinion.

---

<sup>82</sup> Case C-225/98, judgment of 26 September 2000.

<sup>83</sup> Commission Directive 2001/78/CE of 13 September 2001 on the use of standard forms in the publication of public contract notices, OJ L 285, 29.10.2001.

<sup>84</sup> Case C-399/98, judgment of 12 July 2001.



Lastly, and in accordance with the Court of Justice's case law,<sup>85</sup> the Commission also examined the procedures for awarding public contracts and granting concessions for which the arrangements are not subject to the provisions of the Public Procurement Directives, in order to establish whether they nonetheless respected the general rules and principles of the EC Treaty and in particular the principles of equal treatment and transparency. The Commission notes that, broadly speaking, this kind of examination is being carried out increasingly extensively.

For example, the Commission's departments were called on to examine whether the modalities of awarding a motorway concession to Portugal had been in conformity with the rules and principles of the EC Treaty and consistent with the interpretative Communication<sup>86</sup> on concessions under Community law published last year. No irregularity was found in this case.

As far as **company law and financial information is concerned**, the Commission opened infringement proceedings in an own-initiative case against the Dutch law "Wet op de formeel buitenlandse vennootschappen" (WFBV). Articles 2, 3 and 4 of this law are incompatible with the EC Treaty – specifically, Articles 43 and 48 – in the sense that they impose discriminatory obligations on companies from other Member States which want to open branches in the Netherlands. Also, Articles 2 and 4(3) of the WFBV constitute infringements of Article 2 of the Eleventh Council Directive of 21 December 1989 concerning disclosure requirements in respect of branches opened in a Member State by certain types of company governed by the law of another State<sup>87</sup>, in that they specify additional obligations for companies from other Member States.

The Commission has registered a complaint against the German law *Aktiengesetz*. The complaint is that paragraphs 305 and 320b of this law are incompatible with the EC Treaty, notably its Article 43, on the grounds that these provisions disadvantage non-German public limited liability companies in certain transactions between public limited liability companies. The Commission is examining this complaint.

The Commission has also registered a complaint against the Spanish law on public limited liability companies ("LSA"). The complaint claims that Articles 158, 159 and 293 disadvantage shareholders of public limited liability companies in relation to the acquirers or holders of convertible bonds of these companies and also that they allegedly disadvantage minority shareholders of these companies in relation to majority shareholders.

#### 2.10.4. *Regulated professions (qualifications)*

The volume of complaint and infringement files on the qualifications required for the regulated professions remains relatively stable. In 2001, about twenty complaints were referred to the Commission on restrictions contrary to both Articles 43 and 49 of the EC Treaty and the directives on the mutual recognition of professional

---

<sup>85</sup> See Case C-324/98, *Telaustria*, judgment of 7 December 2000 (regarding public service concessions), Case C-59/00, *Vestergaard*, order of 3 December 2001 (regarding public contracts with a value below the threshold values specified).

<sup>86</sup> Communication published in OJ C 121, 29.4.2000, p. 2.

<sup>87</sup> 89/666/EEC, OJ No L 395, 30.12.1989, p. 36.

qualifications. However, the litigation is becoming more complex. Also, in order to achieve more rapid solutions to some of the problems detected, the Commission has maintained regular contacts with the national authorities, in particular the experts in the groups and committees which have competence for this area.

## **2.11. Regional policy**

### *2.11.1. Analysis of causes*

Regional policy is essentially governed by regulations which are directly applicable in the Member States. These regulations (cf. Regulation (EC) No 1260/99), in addition to those linked to financial control, lay down strict rules. Infringement cases concerning the rules on regional policy therefore relate either to incorrect application of the regulations or to irregularities (Article 1(2) of Council Regulation (EC, Euratom) No 2988/95 on financial management).

However, the irregularities also cover infringements of the provisions of other Community regulations. The existing link between measures relating to regional policy and compliance with all other Community legislation is also highlighted by the express obligation for activities receiving funding from the Structural Funds, the EIB or another existing financial instrument to comply with the provisions of the Treaty and acts adopted pursuant to it, as well as with Community policies (Article 8(1) of Regulation (EC) 1164/94 and Article 12 of Regulation (EEC) No1260/99).

### *2.11.2. Effects of infringement situations*

Proceedings are brought under Article 226 of the EC Treaty, in particular in cases of infringement of the provisions of the Structural Funds Regulations (cf. collection of fees by the national bodies responsible for the management of aid arrangements co-financed by the Structural Funds, contrary to the provisions of these same regulations which require the total amount of funding to be paid to the final beneficiaries). As regards cases of "irregularities", the Commission can open specific proceedings with a view to suspending, reducing or cancelling the financial assistance from the Fund concerned in accordance with Article 24 of Regulation (EEC) No 4253/88 (as amended by Regulation (EEC) No 2082/93), as well as Article 38(5) and Article 39 of Regulation (EC) No 1260/99. Such proceedings were initiated, for example, against Greece in the case of the granting of Community financial assistance under the ERDF OP, which is part of the Community Support Framework for Community structural interventions in the zones eligible for Objective 1.

## **2.12. Taxation and customs union**

### *2.12.1. Customs union*

In the customs field, Community legislation mainly takes the form of regulations, so the question of how it is incorporated into national law does not arise and, in general terms, it can be said that the provisions in this area have been well integrated at national level.

Infringement proceedings are therefore fairly isolated. Two were launched in 2001:

- France: The Commission was compelled to initiate infringement proceedings against France regarding legislation requiring pilots of small aircraft on intra-Community flights to land first at an airfield with a customs office or to give 24 or 48 hours notice before take-off. Regulation (EEC) No 3925/91<sup>88</sup> forbids checks and formalities on the baggage of travellers taking intra-Community flights, while allowing exceptional checks. Moreover, in France the pilot is sometimes charged for the travel expenses of the service carrying out the checks, and that constitutes a charge equivalent to a customs duty, which is illegal under Articles 23 and 25 of the EC Treaty.
  
- Greece: Greece introduced a new tax on private pleasure craft entering Greek territorial waters which are more than 7m in length and which have no permanent mooring in a Greek port. The tax is levied each time a pleasure boat enters the country and approaches a Greek port, harbour or coast; the amount is calculated on the length of the boat and comes on top of any harbour dues normally levied. It is paid into the special account of the Harbour Police Fund. As this tax does not relate to a service actually rendered to the person paying it is a tax with equivalent effect to import duties contrary to Articles 23 and 25 of the EC Treaty. It is prohibited irrespective of whether it is levied on Community pleasure craft or third country pleasure craft (pursuant to Articles 23, 25 and 133 of the EC Treaty).

### 2.12.2. Direct taxation

The almost total lack of harmonisation in this sector means that questions continually arise over the compliance of national provisions with primary Community legislation, whether as a result of complaints to the Commission, the European Parliament or the national courts, which are sending more and more cases to the Court for a preliminary ruling. To help find consensual solutions to infringement proceedings, the Commission has suggested to the Member States that they should discuss common problems with each other.<sup>89</sup> Systematic intervention by the Commission in cases referred for a preliminary ruling is therefore the most important control mechanism in this area.

Tax obstacles to the freedom to provide services in the supplementary insurance sector prompted the Commission to adopt a communication to help persons concerned to take advantage of their rights, which are protected under the Treaty<sup>90</sup> (a case has been referred by the Swedish courts for a preliminary ruling<sup>91</sup>). To ensure that citizens and investment companies reap the benefits of the internal market, and in line with its action plan on financial services, the Commission also reminded the Member States of the consequences of the Verkooijen case of 6 June 2000<sup>92</sup> for restrictions on foreign investment. It initiated infringement proceedings against

---

<sup>88</sup> OJ No L 374, 31.12.1991, p. 4

<sup>89</sup> See Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee: Tax policy in the European Union - Priorities for the years ahead (presented on 23.5.2001 - COM(2001) 260 final, OJ C 284, 10.10.2001, p. 6.

<sup>90</sup> COM(2001)214, OJ C 165, 8.6.2001, p. 14.

<sup>91</sup> Case C-422/2001, *Ramstedt and Skandia*.

<sup>92</sup> Case C-35/1998.

France and Belgium for failure to respect the freedom of capital movements (tax advantages for pensions savings conditional on investment in national securities) and welcomes the fact that these matters are currently being rectified by legislative amendments in the Member States concerned, without the necessity for the Court of Justice to become involved. Similarly, following action taken by the Commission, Spain adopted new legislation to end its refusal to accept the depreciation of capital gains in the case of securities purchased by non-residents, in violation of Articles 43 and 56 of the Treaty.

The judgment of 8 March 2001 in the *Metallgesellschaft* and *Hoechst*<sup>93</sup> joined cases illustrates the boundaries Member States should respect under the terms of the Treaty (freedom of establishment), if they wish to treat subsidiaries of national companies differently from those of other Member States as regards tax. However, the Court did not rule on the question also raised by these cases of whether the EC Treaty should be interpreted in such a way as conclude that the advantages contained in bilateral tax conventions should be extended to all the other Member States.

Complainants most often cite the differences in the tax system applied to residents and non-residents, which they consider to be discriminatory. However, while the Court of Justice has accepted in principle that the situation of residents and non-residents is usually different and that therefore different tax systems may be justified,<sup>94</sup> the distinctions must be based on relevant factors.

The Commission took court action against Germany regarding a flat-rate and final tax on foreign artists, who were not allowed to deduct professional expenditure.<sup>95</sup>

Tax treatment of inheritance for foreign nationals, which is different from that applied to nationals, is the subject of complaints against many Member States. In a new case before the Court, referred by a Dutch court,<sup>96</sup> the Commission emphasised that the free movement of persons must also be respected in this area.

### 2.12.3. *Value added tax*

The Commission has had to initiate several new proceedings concerning failure to apply correctly the provisions of the sixth VAT Directive (77/388/CEE)<sup>97</sup> with regard to the uniform basis of assessment:

- Germany, Belgium, Luxembourg, Netherlands: Under Article 2 of the Sixth Directive, deliveries of goods by a taxable person are taxable in the country concerned. The four Member States concerned, however, exempt from VAT supplies to barges engaged in international transport, even though there is no specific provision for such an exemption in the Sixth Directive.
- France: The Commission considers that French legislation allowing a pro rata deduction to taxable persons engaged solely in taxed operations, while maintaining a special rule limiting deductibility of VAT in respect of the

---

<sup>93</sup> Cases C-397/1998 and 410/1998.

<sup>94</sup> Judgment of 14.2.1995 in Case C-279/93, *Schumacker*.

<sup>95</sup> Case C-234/01, *Gerritse*.

<sup>96</sup> Case C-364/01, *Barbier*.

<sup>97</sup> OJ L 145, 13.6.1977, p. 1.

purchase of goods or services because they were financed through grants, contravenes Articles 17(2), 17(5) and 19 of the Directive.

- Greece: Greek legislation does not comply with Article 13(1) of the Directive in that it excludes from the exemption the provision of services directly relating to teaching activities, such as school transport, carried out by bodies governed by public law or recognised by the state as having a comparable status.

The Commission also made referrals to the Court in several proceedings already initiated:

- Finland, Italy: Non-taxation of Community aid for dried fodder, even though it should be considered as being directly linked to the price and, consequently, included in the taxable VAT base.<sup>98</sup>
- France: Application of two VAT rates (one on the subscription and another on the kilowatts of power consumed) to gas and electricity.<sup>99</sup>
- Spain: Application of a reduced rate of VAT on supplies of bottled gas and deliveries of mopeds.<sup>100</sup>

Finally, a significant number of proceedings were closed after the Member States concerned modified their legislation as a result of the Commission's action:

- France: As requested by the Court in its judgment of 29 March 2001,<sup>101</sup> France now includes compulsory service charges in the VAT assessment base. Moreover, pursuant to the Court's judgment of 11 January 2001,<sup>102</sup> the fees charged for sending the results of medical analyses between laboratories are now exempt from VAT.
- Ireland, France: National measures have been taken by the two Member States concerned to make tolls on motorways subject to VAT, in line with the Court's ruling of 12 September 2000.<sup>103</sup>
- Spain: Spain now includes in the VAT assessment base Community aid to processing firms manufacturing dried animal feed.
- Netherlands: The Netherlands now applies a single tax rate to water supplies, as the Sixth Directive stipulates that an individual product may not attract several different rates of tax.

Finally, the proceedings initiated against France for violation of the provisions of the eighth VAT Directive (79/1072/CE)<sup>104</sup> regarding the arrangements for the refund of VAT to taxable persons not registered in the territory of the country, were closed

---

<sup>98</sup> Cases C-381/2001 and C-495/2001.

<sup>99</sup> Case C-384/2001.

<sup>100</sup> Cases C-143/2001 and C-144/2001.

<sup>101</sup> Case C-404/1999.

<sup>102</sup> Case C-76/1999.

<sup>103</sup> Cases C-276/1997 and C-358/1997.

<sup>104</sup> OJ L 331, 27.12.1979, p. 11.

after national legislation in the field was amended. The Court found against France on 25 January 2001 because of its refusal to refund VAT to taxable persons not established in France, in cases where those taxable persons had subcontracted part of their work, relating to the disposal of waste, to a taxable person established in France.<sup>105</sup>

#### 2.12.4. *Other indirect taxes*

There are now quite a number of Community provisions on indirect taxation, concerning all categories of European citizens, who can take direct advantage of these provisions before national courts when confronted by cases of infringement of Community law in a Member State. Moreover, the Commission noted a fourfold increase in the number of complaints in this area in 2001, many of them concerning the United Kingdom, which applies to travellers returning from other Member States where they have bought alcohol or tobacco for their own personal use, sanctions which may be incompatible with the provisions of Directive 92/12/EC<sup>106</sup> on the general arrangements for products subject to excise duty.

Also in the sector of excise duty on alcohol and tobacco, the following points should be mentioned:

- initiation of proceedings against Sweden, which applies different rates of tax, in violation of Article 90(2) of the Treaty, to wine and beer, since the current system protects a nationally produced product (beer) rather than similar products from other Member States (wine).
- referral to the Court of the Greek arrangements for preferential taxation of ouzo.<sup>107</sup>
- closure of the proceedings initiated against Greece and Belgium concerning excise duty on tobacco products, following amendments to the legislation to bring it into line with the directives concerned.

In the sector of harmonised excise duty on mineral oils, one case was referred to the Court concerning incorrect application by Germany of Directive 92/81/EC<sup>108</sup> as regards taxation of heating oil, and another concerning incorrect application by Italy of Directive 92/82/EC<sup>109</sup>, which applied a tax on lubricants when such products should be exempt from duty.<sup>110</sup>

The number of complaints registered in the vehicle tax sector also soared in the reference year, this being a very sensitive area in the eyes of European citizens, particularly where problems relating to a change of residence are concerned. The Commission is aware of these difficulties and will soon present a report on vehicle taxation in the Community, while continuing to ensure that the Treaty provisions are strictly observed and that case law in the field is reinforced. In this connection, the

---

<sup>105</sup> Case 429/1997.

<sup>106</sup> OJ L 76, 23.3.1992, p. 1.

<sup>107</sup> Case C-475/2001.

<sup>108</sup> OJ L 316, 31.10.1992, p. 12.

<sup>109</sup> OJ 316, 31.10.92, p. 19.

<sup>110</sup> Case C-437/2001.

Commission also reminded all the Member States of the consequences of the *Gomes Valente* judgment of 22 February 2001 on the taxation of second-hand cars.<sup>111</sup> The proceedings initiated against France for applying discriminatory taxation, within the meaning of Article 90 of the EC Treaty, to cars equipped with 5-gear automatic gearboxes or 6-gear manual gearboxes, were closed after France took steps to comply with the Court's judgment of 15 March 2001.<sup>112</sup>

## 2.13. Education, audiovisual media and culture

### 2.13.1. Education

In the field of education, Article 12 of the EC Treaty stipulates that the Member States must refrain from direct or indirect discrimination on the grounds of nationality, as regards access to education. Infringement proceedings dealt with by the Directorate-General for Education and Culture in 2001 were in the following areas:

- higher enrolment fees in public educational establishments for nationals of other Member States than for nationals of the host country;
- different conditions of access to education for holders of diplomas from other Member States and holders of national diplomas (e.g.: aptitude tests, etc.);
- *numerus clausus* systems for access to higher education imposed on holders of foreign diplomas only, or in such a way as to discriminate against holders of foreign diplomas by comparison with holders of national diplomas;
- failure to take into account professional experience acquired in other Member States or diplomas conferred in other Member States as a result of professional examinations giving access to a particular profession or at the time of access to education.

Reasoned opinions were addressed to Belgium and Austria regarding the imposition of different access criteria for holders of national diplomas and holders of diplomas from other Member States. In their reply, the Belgian authorities agreed to amend the relevant national legislation.

Some of the reasons why Member States fail to comply with Article 12, as interpreted by Court of Justice case law, are as follows:

- Member States which do not operate a *numerus clausus* system for national students are faced with financial difficulties when they have to accept students from other Member States on the same terms as their own. For this reason, they try to apply stricter selection systems to nationals of other Member States. National systems of financing higher education are often at the root of the financial difficulties encountered by public institutions;

---

<sup>111</sup> Case C-393/1998.

<sup>112</sup> Case C-265/1999.

- The field of academic recognition of diplomas is also one which is often misinterpreted. According to the Treaty, the Member States are responsible for the educational content and organisation of their education systems. Some Member States consider that the recognition of diplomas is inextricably linked to that autonomy. Policies or administrative practices which protect national diplomas and do not respect the principle of non-discrimination are therefore applied. In these cases, the Commission insists that the relevant national legislation be amended to conform with the fundamental principle of Article 12 of the Treaty.

The Directorate-General for Education and Culture receives many letters from citizens relating to the recognition of diplomas, an area in which - as explained above - Community competence is limited. The Commission informs the parties concerned in these cases of their rights under Community law and suggests, for cases which are not within the Community's remit, the use of national appeal systems. Other obstacles to student mobility reported to the Commission include administrative hurdles such as slowness, cost of procedures etc.

### 2.13.2. *Audiovisual media*

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

#### 2.13.2.1. Progress in transposing the revised Directive

The Commission's first priority as guardian of the Treaties is to ensure that Directive 97/36/EC of 30 June 1997, amending the 1989 Directive, is properly transposed. The date for transposal of the directive was 30 December 1998. At the time of writing fourteen Member States had correctly notified national measures implementing Directive 97/36/EC. In 2001 the Court of Justice in two cases decided that the Member State had not implemented the Directive in time. The Court stated that Luxembourg<sup>113</sup> and Italy<sup>114</sup> 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. A case against the Netherlands<sup>115</sup> was withdrawn as the Netherlands has now transposed the Directive in substance.

#### 2.13.2.2. Application of the Directive

The revised Directive establishes a solid legal framework for television broadcasters to develop their activities in the European Union. The main objective is to create the conditions for the free movement of television programmes. The revised Directive

---

<sup>113</sup> Judgement of the Court (Fourth Chamber) of 21 June 2001. *Commission of the European Communities v Grand Duchy of Luxembourg*. Failure by a Member State to fulfil its obligations - Failure to implement Directive 97/36/EC amending Directive 89/552/EEC - Coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities. Case C-119/00.

<sup>114</sup> Judgement of the Court (Fourth Chamber) of 14 June 2001. *Commission of the European Communities v Italian Republic*. Failure by a Member State to fulfil its obligations - Failure to implement Directive 97/36/EC amending Directive 89/552/EEC - Coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities. Case C-207/00.

<sup>115</sup> Case C-145/00.



clarifies a number of provisions, including the principle of regulation by the broadcaster's country of origin and the criteria for connecting broadcasters to a particular country's jurisdiction. The Commission enforced these principles during the report period. The Commission has been informed of a new decision by the Dutch authorities (*Commissariaat voor de Media*) to require RTL 4 and RTL 5 to apply for a Dutch licence. This decision confirms their previous decision of 20 November 1997. The Contact Committee on the "Television without Frontiers" directive discussed the case in its meeting of 20 September 2001 following the first decision of the *Commissariaat voor de Media* and the successive court proceedings in the Netherlands. The Commission argued at that meeting that the Dutch position was incompatible with Community law.

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 to society. Measures based on Article 3a(1) were taken by Denmark (OJ C 14, 19.1.1999), Italy (OJ C 277, 30.9.1999), Germany (OJ C 277, 29.9.2000), the United Kingdom (OJ C 328, 18.11.2000) and Austria (OJ C 16, 19.1.2002). Belgium, the Netherlands and France have stated that they are planning to notify the Commission of draft measures in the near future. Denmark revoked its list at the end of the report period. Article 3a has been the subject of a judgment by the House of Lords,<sup>116</sup> which found that "the result which Article 3a(3) requires Member States to achieve is perfectly clear. It is to prevent the exercise by broadcasters of exclusive rights in such a way that a substantial proportion of the public in another Member State is deprived of the possibility of following a designated event." Another case is pending before the European Court of First Instance.<sup>117</sup>

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. As a result the Commission decided to send a reasoned opinion to Spain (21 December 2000). In the preliminary ruling procedure C-245/01, *RTL Television*, the Commission delivered a written observation on 12 November on the interpretation of Article 11(3) of the Directive.

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

---

<sup>116</sup> *Regina v ITC*, 25 July 2001, UKHL 42.

<sup>117</sup> Case T-33/01, *Kirch Media and KirchMedia WM v Commission*. The application requests the annulment of the "decision" of the Commission of 18 November 2000 under Article 3a of the Directive. The Commission found compatible with Community Law UK measures prohibiting broadcasters from broadcasting certain listed sporting events in a way that deprived a substantial proportion of the UK from viewing them and communicated the UK measures to the other Member State in order to ensure that broadcasters within their respective jurisdictions comply with the UK measures.

hatred on grounds of race, sex, religion or nationality". The Commission considers that Article 2a(2) was satisfactorily applied during the report period.

### 2.13.2.3. Enlargement-related questions

Since 2000, applicant countries have made further progress in aligning their legislation on the Directive. Nine applicant countries have now reached a high level of alignment with the Community *acquis* (Bulgaria, Cyprus, Czech Republic, Estonia, Latvia, Lithuania, Malta, Slovak Republic and Slovenia). Good progress has also been made in Poland, where a complementary legislative process is under way. New legislation still has to be enacted in Hungary, Romania and Turkey.

## 2.14. Health and consumer protection

### 2.14.1. Veterinary legislation

Regarding the *notification of national implementing measures*, only Directive 2001/10/EC as regards scrapie fell due for transposal in 2001. Greece, France, Italy, Portugal and Sweden still have to transpose this Directive.

Most Member States have no further procedures for non-communication outstanding in this sector. Greece and France have made an effort to reduce delays in transposal; however, procedures initiated in previous years still have to be completed.

In matters other than the failure to notify of transposal measures, the most important event was the judgment adopted on 13 December 2001 in case C-1/00 in which the Court concluded that France had failed to fulfil its obligations under Decisions 98/256/EC and 1999/514/EC by its refusal to permit the marketing on its territory of products subject to the Date Based Export Scheme which were correctly marked or labelled. The DBES had been set up to ensure that beef products exported from the United Kingdom had not been infected with BSE. The DBES scheme and the possibility of applying traceability arrangements on its territory were considered by the Court to be sufficient to provide France with the guarantees it needed to allow the import of British beef which met the requirements of the DBES.

In the light of this judgment, France must now regularise the infringement.

In another highly sensitive matter, namely the infringement proceedings initiated in 1999 against Belgium for failure to fulfil its obligations under Directives 89/662/EEC and 90/425/EEC to notify the Commission immediately of any circumstances likely to constitute a serious hazard to animals or humans, the Commission, having received confirmation from the Belgian Government that it shared the Commission's interpretation of the provisions concerned and an undertaking that there would be no recurrence of such an infringement, decided that the infringement proceedings had had the desired effect. It consequently closed the proceedings in question.

Two infringement proceedings initiated against the United Kingdom seem to be moving towards a satisfactory conclusion. On the question of inadequate veterinary supervision of abattoirs due to a shortage of veterinary officers, the Commission established that the British authorities had made an effort to ensure that Community requirements in this matter were properly applied. The Commission is currently

verifying whether the United Kingdom is now, as it claims, in a position to provide adequate veterinary inspections in all abattoirs, cutting plants and cold stores.

The Commission has been informed that the United Kingdom has put an end to the infringement whereby abattoirs were authorised to use hyperchlorinated water to disinfect poultry carcasses. As soon as the Commission has had proof that this infringement has been corrected this case can also be closed.

In the case of France, the Commission has sent a supplementary letter of formal notice extending the infringement proceedings initiated for dispensation from health approval for certain establishments selling meat or meat products.

Based on an inspection report by the Food and Veterinary Office, the Commission decided to refer to the Court the fact that France had not withdrawn health approval from an abattoir which did not meet the requirements of Directive 64/433/EEC.

Still in the veterinary sector, the Commission continued, with a reasoned opinion, the infringement proceedings it had initiated against Sweden for continuing to obstruct intra-Community trade in meat and meat products by requiring prior notification of arrivals of the products concerned from the other Member States.

#### *2.14.2. Plant health legislation*

Regarding Member States' notification of national implementing measures, Denmark, Spain and Ireland notified measures transposing all the directives in this area which were due for transposal in 2001.

On the other hand, there are many transposal delays in Germany, Austria and France.

In the United Kingdom the devolution of legislative powers is a particular cause of transposal delays in this area.

The only infringement case for failure to transpose legislation properly has been closed, Italy having complied with the Commission's reasoned opinion.

#### *2.14.3. Legislation on seeds and plants*

No directives fell due for transposal in 2001. The infringement procedures relate to earlier years.

The Commission took Germany to court for failure to transpose Directive 98/56/EC on the marketing of propagating material of ornamental plants (Case C-2001/135); the German authorities must enact a law and implementing measures in order to reduce the delays in transposal of the other directives in this sector.

The Commission also took Greece to court for failure to transpose Directive 1999/8/EC on the marketing of cereal seed (Case C-2001/450).

#### *2.14.4. Food legislation*

Relatively few problems remain in this area as regards notification by Member States of national implementing measures.

#### 2.14.5. *Animal feedingstuffs legislation*

Regarding the *notification of national measures implementing directives*, the only directive falling due for transposal in 2001 was 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. Most Member States have not yet notified their transposal measures.

Greece has the largest transposal backlog. The Court ruled against Greece for failing to fulfil its obligation to transpose five directives on animal feedstuffs. Greece complied with two Court rulings, enabling the Commission to close the Article 228 infringement case concerning the failure to adopt Directive 96/25/EC on the circulation of feed materials. The three judgments on Directives 95/69/EC and 98/51/EC on the registration of certain establishments in the animal feed sector, and Directive 96/24/EC on the marketing of compound feedingstuffs still have to be implemented, however.

Italy complied with two Court judgments that it had failed to fulfil its obligation to transpose Directives 96/51/EC and 98/51/EC; the Commission was able to close these cases.

#### 2.14.6. *Consumer protection*

In this sector, the Commission's departments noted an improvement in transposal rates. France, Luxembourg and the Netherlands have not transposed all the directives which fell due. Cases have been brought before the Court for non-transposal by Spain of Directives 97/7/EC (distance contracts), 97/55/EC (misleading advertising) and 98/7/EC (consumer credit).

In the following four judgments the Court clarified Community legislation in the field of consumers' legal and economic interests:

In Case C-144/99 *Commission v the Netherlands*, the Court, in on the action brought by the Commission, found that the Netherlands, by failing to adopt the provisions necessary for the full transposition into Dutch law of Articles 4(2) and 5 of Council Directive 93/13/EEC on unfair terms in consumer contracts, had failed to fulfil its obligations under the said Directive: whilst legislative action on the part of each Member State was not necessarily required in order to implement a directive, it was essential for national law to guarantee that the national authorities would effectively apply the directive in full, that the legal position under national law should be sufficiently precise and clear and that individuals were made fully aware of their rights and, where appropriate, might rely on them before the national courts.

In Case C-481/99 *Heininger v Bayerische Hypo- und Vereinsbank AG*, it was ruled that Council Directive 85/577/EEC to protect the consumer in respect of contracts negotiated away from business premises should be interpreted as applying to a secured-credit agreement, with the result that a consumer who has entered into an agreement of that type in one of the cases specified in Article 1 has the right to cancel that agreement, as provided for in Article 5. According to this decision, a loan taken out to finance the purchase of a flat and secured by means of a *Grundschuld* (charge on the property) in the same amount did not constitute a "contract for the

construction, sale and rental of immovable property or contract concerning other rights relating to immovable property" and hence was excluded from the scope of the Directive.

The Court's judgment in Case C-112/99 *Toshiba Europe GmbH v Katun Germany GmbH* contains initial clarification on Community legislation on comparative advertising: the indication, in the catalogue of a supplier of spare parts and consumable items suitable for the products of an equipment manufacturer, of product numbers (OEM numbers) by which the equipment manufacturer designates the spare parts and consumable items which he himself sells may constitute comparative advertising which objectively compares one or more material, relevant, verifiable and representative features of goods. Article 3a(1)(g) of Directive 84/450 as amended by Directive 97/55/EC, should be interpreted to mean that where product numbers (OEM numbers) of an equipment manufacturer are, as such, distinguishing marks within the meaning of that provision, their use in the catalogues of a competing supplier enables him to take unfair advantage of the reputation attached to those marks only if the effect of the reference to them is to create, in the mind of the persons at whom the advertising is directed, an association between the manufacturer whose products are identified and the competing supplier, in that those persons associate the reputation of the manufacturer's products with the products of the competing supplier. In order to determine whether that condition is satisfied, account should be taken of the overall presentation of the advertising at issue and the type of persons for whom the advertising is intended.

In joined Cases C-541/99 and C-542/99 *Cape Snc v Idealservice Srl* and *Idealservice MN RE Sas v OMAI Srl*, it was made clear that the term "consumer" as defined in Article 2(b) of Directive 93/13/EEC on unfair terms in consumer contracts must be interpreted as referring solely to natural persons.

#### 2.14.7 *Notification of technical rules*

Directive 98/34/EC requires the Member States and the EFTA countries to notify each other and the Commission prior to the adoption of all drafts of instruments laying down technical standards or rules so as to avoid new barriers being raised in the internal market. Health (including food) was the area in which the Commission received the largest number of notifications in 2001.

(For more details see the specific chapter on the application of Directive 98/34/EC).

### 2.15. **Justice and home affairs**

#### 2.15.1 *Establishment of an area of freedom, security and justice*

The Treaty of Amsterdam incorporated in the Treaties the new objective of establishing the Union as an area of freedom, security and justice. Since 1 May 1999, and in accordance with the conclusions of the Tampere European Council, work has begun on legislation to create the instruments required for the implementation of this objective.<sup>118</sup> A number of instruments have already been approved on the basis of Title IV of the EC Treaty, which covers those areas brought within the Community's

---

<sup>118</sup> See the Commission's scoreboard to review progress on the creation of an area of "freedom, security and justice" in the European Union, as last updated on 30 May 2002 (COM(2002) 261 final).

area of competence by the Treaty of Amsterdam, such as visas, internal and external borders, asylum and immigration, and judicial cooperation in civil matters. The application of these instruments is monitored within the Community institutional framework. Some of these instruments replaced acts adopted before the entry into force of the Amsterdam Treaty under Title VI of the Treaty on European Union or within an intergovernmental framework and which consequently eluded the Community mechanisms for monitoring application.

The Commission had already pointed out in its 18th Report on the monitoring of the application of Community law<sup>119</sup> that provisions of the Schengen *acquis* allocated to the first pillar<sup>120</sup> were monitored in accordance with the principles of Community law and that failure to respect these provisions could lead to infringement proceedings.

### 2.15.2. *Monitoring the application of instruments based on Title VI of the EU Treaty*

Measures in the field of police and judicial cooperation in criminal matters required for the establishment of an area of freedom, security and justice are adopted under Title VI of the EU Treaty. Articles 226 and 227 of the EC Treaty do not apply to the third pillar, so in the past the Council retained responsibility for monitoring transposal into national law and the application of the instruments in question. However, most recent instruments based on Title VI of the EU Treaty included the provision that the Commission should also ensure the proper transposal and application of the measure in question and table a report.<sup>121</sup> This represents a definite improvement, as the report can be used to impose political penalties for failure to comply with the instrument concerned.

### 2.15.3. *The Charter of Fundamental Rights*

The Charter of Fundamental Rights of the European Union<sup>122</sup> reaffirms, with due regard for the powers and tasks of the Community and the Union the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States. The status of the Charter and the question of its integration in the treaties will be examined by the Convention on the future of Europe.

The Charter is not at the moment a legally binding instrument and cannot therefore be used as the basis for an infringement procedure.

It should be pointed out, however, that the mechanisms for penalising failure to comply with Community law, such as the infringement procedure, can be initiated in

---

<sup>119</sup> See point 2.15.1.

<sup>120</sup> See Council Decision of 20 May 1999 determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the Schengen *acquis*, OJ L 176, 10.7.1999, p. 17.

<sup>121</sup> For example Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (OJ L 82, 22.3.2001). A provision of this type is now systematically included in framework decisions proposed on the basis of Title VI of the EU Treaty. On 13 December 2001 the Commission presented a first report on the Council framework Decision of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (COM(2001) 771 final).

<sup>122</sup> OJ C 364, 18.12.2000, p. 1.

respect of an infringement of a fundamental right under the EC Treaty as a general principle of Community law.

#### 2.15.4. *The right of citizens of the Union to move freely*

The right of citizens of the Union (and members of their family) to move freely within the territory of the Member States derives directly from the EC Treaty and is governed by twelve instruments of secondary legislation applicable to different categories of citizens of the Union. A large number of complaints have been received concerning the application of this secondary legislation. In order to ensure that all Union citizens enjoy the same rights of entry and residence whatever their status (student, worker in gainful employment, pensioner, etc.), to make it easier to exercise the right to move freely, to simplify Community legislation and to close certain loopholes, the Commission has tabled a proposal for a European Parliament and Council Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.<sup>123</sup>

In this area, one particular infringement procedure merits special attention: on 19 September 2001 the Commission decided to refer to the Court of Justice a case involving the expulsion by Germany of Union citizens on public policy grounds.

The Court of Justice has on several occasions been asked to give preliminary rulings on restrictions on the free movement of persons on public policy grounds, but this is the first time an infringement procedure has been brought before it on this matter.

Following careful examination of the expulsion decisions and analysis of Germany's replies to the letter of formal notice and the reasoned opinion, the Commission felt that these expulsions revealed a variety of infringements by Germany of the EC Treaty and secondary legislation on the free movement of persons. The infringement, which affected both legislation and administrative practice, related in particular to the conditions of substance and form which Directive 64/221 requires Member States to observe when expelling a person who enjoys the protection of Community law.

The Commission decision follows on from its Communication of 19 July 1999<sup>124</sup> in which it drew attention to a number of points of vital interest regarding the interpretation of the provisions of Directive 64/221, such as respect for the principle of proportionality, the need to take account of all relevant factors in assessing the threat to public policy, the problem of the link under some legislative systems between a criminal conviction and expulsion, and the special situation of long-term residents.

## 2.16. **Budget**

The upward trend in infringement cases seen in earlier years has not continued, but the total number of disputes remains virtually unchanged.

---

<sup>123</sup> OJ C 270E, 25.9.2001, p. 150.

<sup>124</sup> Cf. Communication from the Commission to the Council and the European Parliament on the special measures concerning the movement and residence of citizens of the Union which are justified on grounds of public policy, public security or public health, COM(1999)372 final.

### *2.16.1. Previously initiated proceedings*

The Commission referred to the Court the case against the Netherlands (refusal to pay interest on late payment due under Article 11 of Council Regulation No 1552/89).

Since the correct application of the Community transit customs arrangements is a constant source of disputes with the Member States, the Commission decided to refer to the Court the case involving the incorrect clearance by the German authorities of Community transit documents.

### *2.16.2. New proceedings*

The Commission decided to refer to the Court a test case which could be used as an example for resolving other cases involving the financial responsibility of the Member States for errors made during their management of own resources. In this case, the Danish authorities refused to accept financial responsibility for the loss of own resources resulting from an administrative error.

A reasoned opinion was sent to the French authorities following their refusal to reimburse VAT in connection with the application of the Protocol on Privileges and Immunities of the European Communities. The French authorities subsequently declared their intention of complying with the Commission's request. The Commission is waiting for the amounts requested to be actually paid before closing the infringement proceedings.

## **2.17. Personnel and administration**

The infringement procedures initiated by the Commission as regards the application of Community law to the Communities' staff concern the Member States' failure to comply with the Protocol on Privileges and Immunities of the European Communities and to implement national provisions required for the correct application of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities.

There are currently no ongoing infringement proceedings.

## **2.18. Community statistics**

The reliability of Community statistics depends on Member States supplying the Commission with data relating to specific matters at predetermined intervals and by predetermined procedures.

No problems have been identified with the application of Community statistical legislation which would require the opening of an infringement procedure.

It should be noted that a complaint was received in 2000 about a Member State's alleged infringement of Community law, in particular Council Regulation (EC) No 3330/91 on the statistics relating to the trading of goods between Member States (Intrastat) and Council Decision 96/715/EC on inter-administration telematic networks for statistics relating to the trading of goods between Member States (Edicom). Following an analysis of the content the case was able to be shelved in 2001.



## **ANNEX I**

### **Detection of infringement cases**

# Table 1.1. Detection of infringement cases

(situation as of 31 December 2001)

Year	Complaints <sup>1</sup>	Cases detected by the Commission			Non communication <sup>2</sup>	Total
		Total	Parliamentary questions	Petitions		
1996	819	257	22	4	1079	2155
1997	957	261	13	4	760	1978
1998	1128	396	18	7	610	2134
1999	1305	288	16	10	677	2270
2000	1225	313	15	5	896	2434
2001	1300	272	5	1	607	2179

(1) In 2001, 59,66% of the infringement cases originated in complaints, as opposed to 50,32% in 2000.

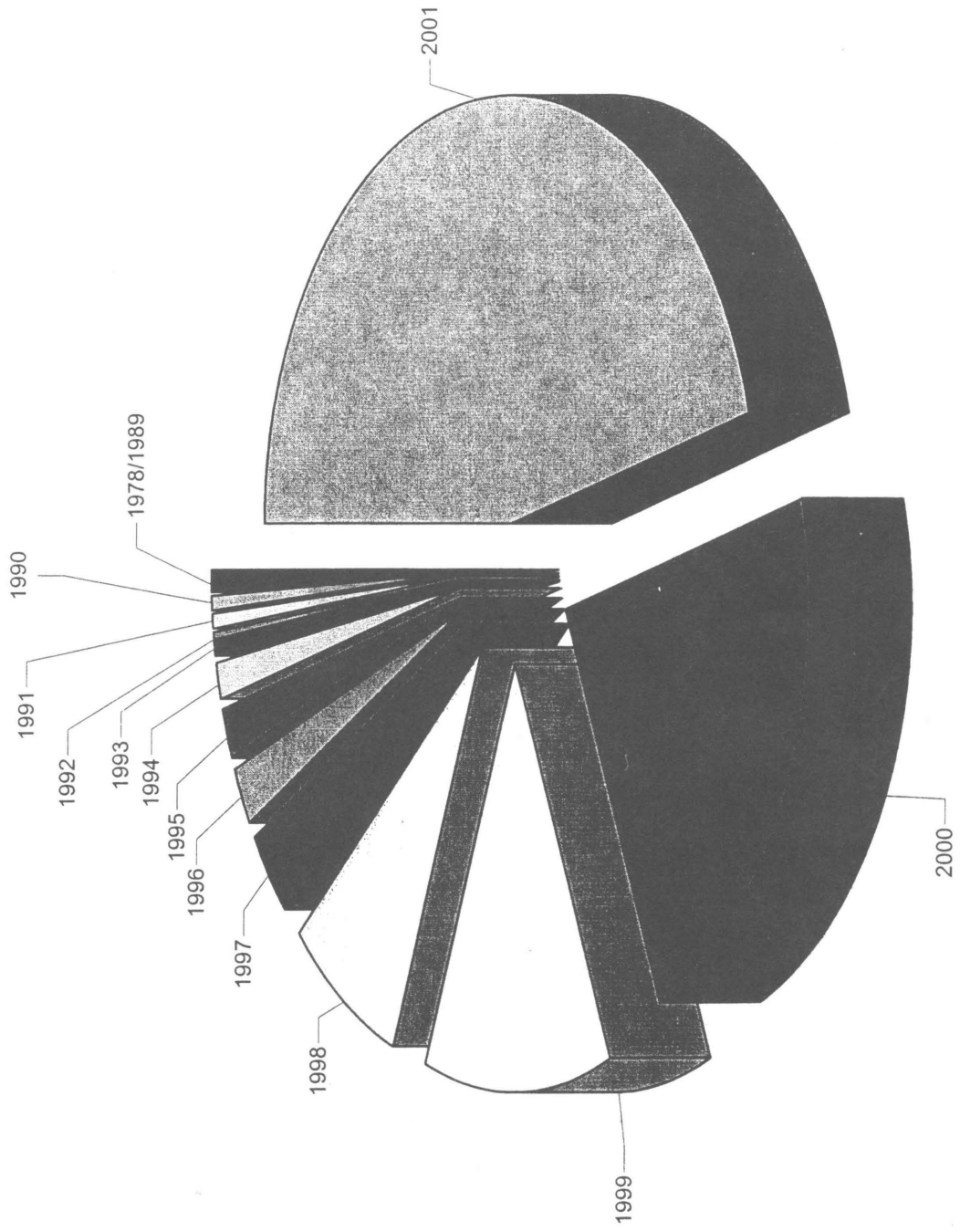
(2) Non communication : this category includes the non communication of national measures transposing Community directives, as well as the non communication of technical regulations under Directive 98/34/EC

**Table 1.2. Cases under examination<sup>1</sup> by the Commission as of 31 December 2001, by year of opening**

Opened in	2179	1538	under exam. as of 31/12/2001	Complaints		
				Own initiative cases	non-communication	
2001	2179	1538	45,77%	1027	222	289
2000	2434	768	23%	471	179	118
1999	2270	411	12,23%	274	103	34
1998	2134	255	7,59%	118	110	27
1997	1977	112	3,33%	70	32	10
1996	2151	72	2,14%	36	32	4
1995	1853	63	1,88%	28	34	1
1994	2396	47	1,40%	15	29	3
1993	2336	16	0,48%	4	11	1
1992	2509	11	0,33%	5	6	0
1991	2184	19	0,57%	5	14	0
1990	2343	19	0,57%	6	13	0
1978/1989	8049	29	0,86%	1	28	0
<b>Total:</b>	<b>34815</b>	<b>3360</b>	<b>100,00%</b>	<b>2060</b>	<b>813</b>	<b>487</b>

<sup>1</sup> The cases under examination are the cases opened following a complaint, an own Commission's initiative or a case of non-communication, wether or not an infringement procedure was initiated.

Table 1.2 Cases under examination as of 31/12/2001, by year of opening (graphic)



### 1.3. Breakdown by Member State of the cases opened in 2001

#### 1.3.1. Own initiative cases detected by the Commission in 2001, by Member State

	opened	under exam. as of 31/12/2001	
<b>Total:</b>	<b>272</b>	<b>222</b>	
B	19	16	7,21%
DK	7	5	2,25%
D	10	8	3,60%
EL	20	15	6,76%
E	36	31	13,96%
F	25	20	9,01%
IRL	9	6	2,70%
I	47	39	17,57%
L	9	9	4,05%
NL	9	7	3,15%
A	21	18	8,11%
P	15	12	5,41%
FIN	22	18	8,11%
S	13	11	4,95%
UK	10	7	3,15%

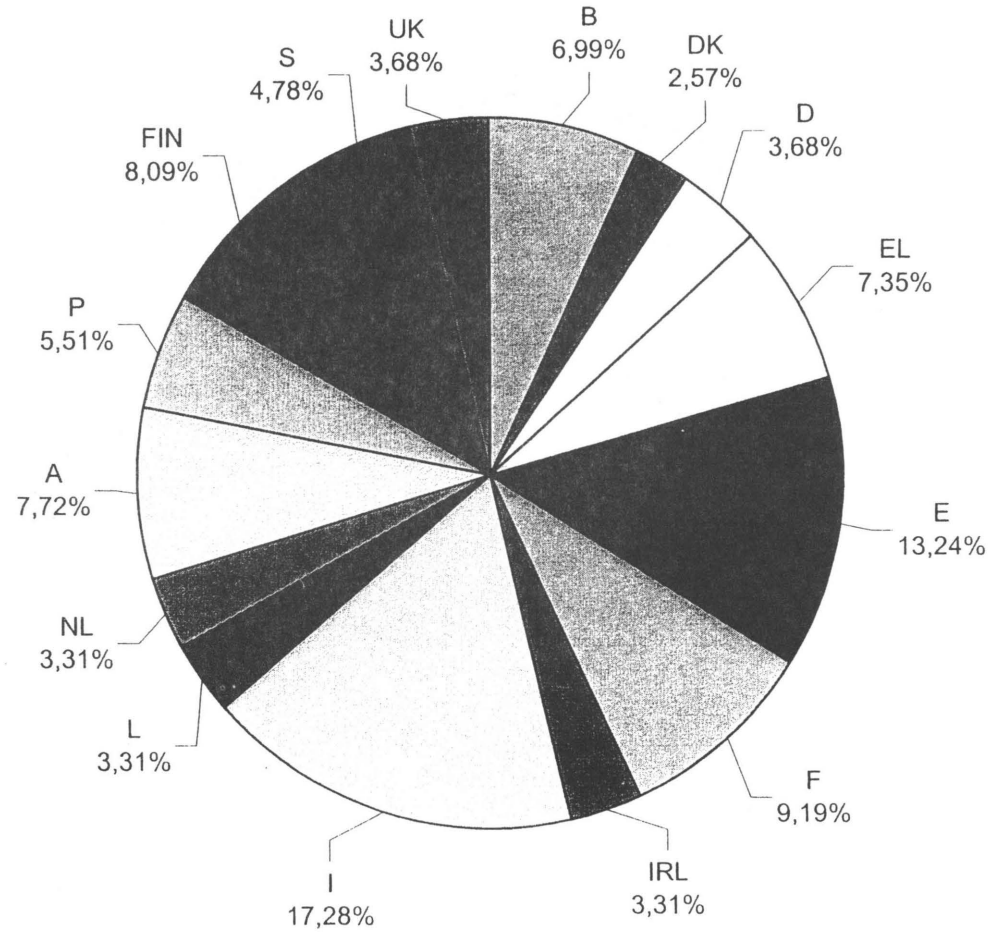


### 1.3. Breakdown by Member State of the cases opened in 2001

#### 1.3.3. Non-communication cases opened in 2001, by Member State (non-communication of measures transposing directives and technical regulations under Directive 98/34/EC)

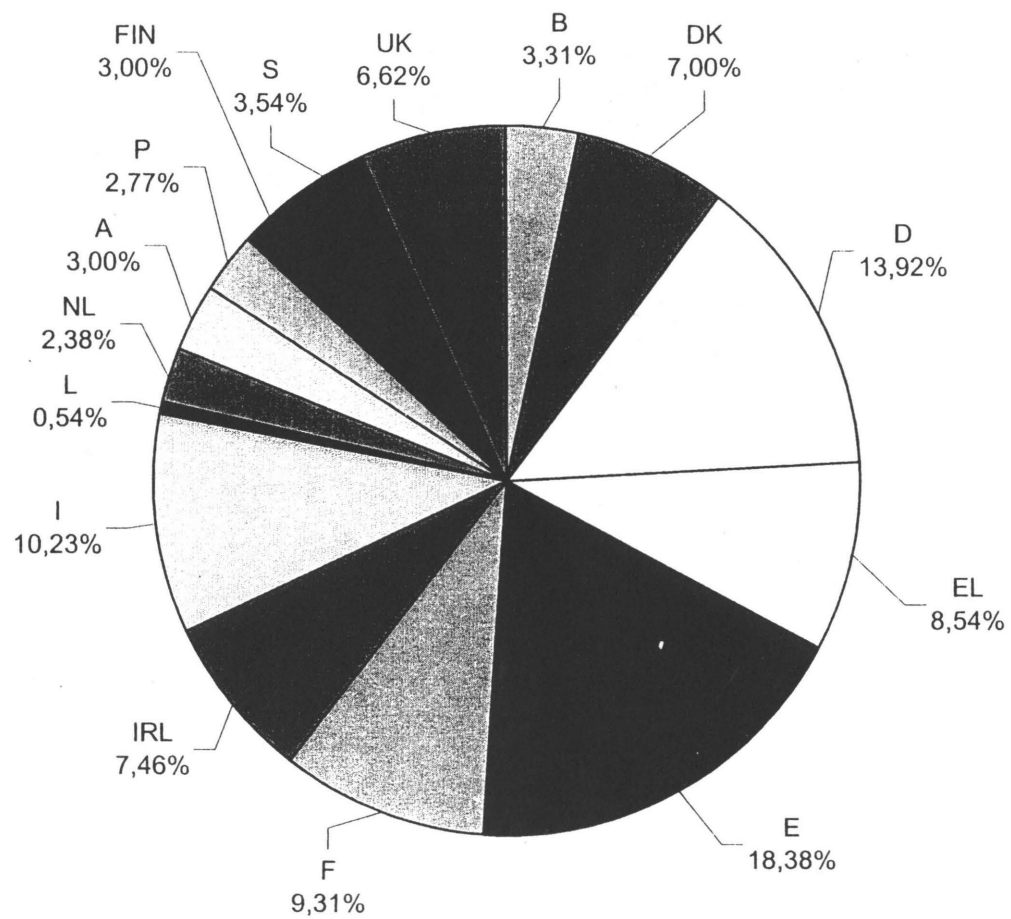
	opened		under exam. as of 31/12/2001	
<b>Total:</b>	<b>607</b>		<b>289</b>	
B	44	7,25%	19	6,57%
DK	28	4,61%	7	2,42%
D	45	7,41%	20	6,92%
EL	50	8,24%	29	10,03%
E	30	4,94%	13	4,50%
F	37	6,10%	21	7,27%
IRL	43	7,08%	20	6,92%
I	43	7,08%	17	5,88%
L	37	6,10%	20	6,92%
NL	42	6,92%	16	5,54%
A	46	7,58%	27	9,34%
P	50	8,24%	26	9,00%
FIN	33	5,44%	15	5,19%
S	35	5,77%	14	4,84%
UK	44	7,25%	25	8,65%

1.3.1 Own initiative cases detected by the Commission in 2001, by Member State (graphic)

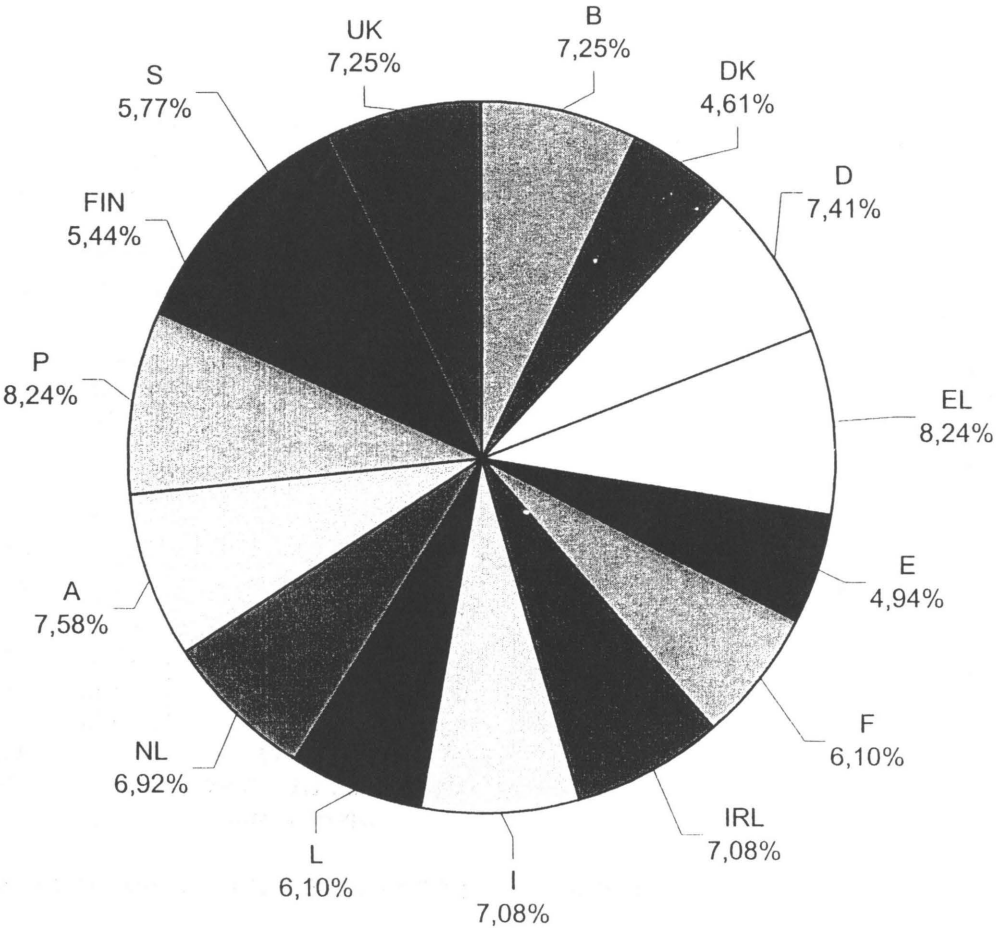




### 1.3.2. Complaints received in 2001, by Member State (graphic)



1.3.3. Non-communication cases opened in 2001, by Member State (graphic)



## 1.4. Breakdown by sector of the cases opened in 2001

### 1.4.1. Own initiative cases detected by the Commission in 2001, by sector

	opened		under exam. as of 31/12/2001	
Total:	272		222	
Environment	111	40,81%	91	40,99%
Internal market	38	13,97%	32	14,41%
Health, Consumer protection	15	5,51%	3	1,35%
Enterprise	4	1,47%	3	1,35%
Taxation and Customs	9	3,31%	9	4,05%
Energy and Transport	10	3,68%	9	4,05%
Employment, Social affairs	10	3,68%	10	4,50%
Agriculture	6	2,21%	5	2,25%
Justice, Home affairs	3	1,10%	2	0,90%
Competition	3	1,10%	3	1,35%
Information society	29	10,66%	24	10,81%
Fisheries	15	5,51%	15	6,76%
Legal Service	0	0,00%	0	0,00%
Economic and financial affairs	8	2,94%	8	3,60%
Education and culture	5	1,84%	3	1,35%
Budget	5	1,84%	4	1,80%
Enlargement	0	0,00%	0	0,00%
Administration	0	0,00%	0	0,00%
Regional policies	1	0,37%	1	0,45%

## 1.4. Breakdown by sector of the cases opened in 2001

### 1.4.2. Complaints received in 2001, by sector

	received		under exam. as of 31/12/2001	
Total:	1300		1027	
Environment	587	45,15%	506	49,27%
Internal market	351	27,00%	231	22,49%
Health, Consumer protection	86	6,62%	73	7,11%
Enterprise	16	1,23%	14	1,36%
Taxation and Customs	82	6,31%	66	6,43%
Energy and Transport	11	0,85%	11	1,07%
Employment, Social affairs	52	4,00%	37	3,60%
Agriculture	41	3,15%	27	2,63%
Justice, Home affairs	14	1,08%	12	1,17%
Competition	23	1,77%	19	1,85%
Information society	7	0,54%	6	0,58%
Fisheries	1	0,08%	0	0,00%
Legal Service	1	0,08%	1	0,10%
Economic and financial affairs	2	0,15%	1	0,10%
Education and culture	11	0,85%	9	0,88%
Budget	0	0,00%	0	0,00%
Enlargement	0	0,00%	0	0,00%
Administration	1	0,08%	1	0,10%
Regional policies	14	1,08%	13	1,27%

## 1.4. Breakdown by sector of the cases opened in 2001

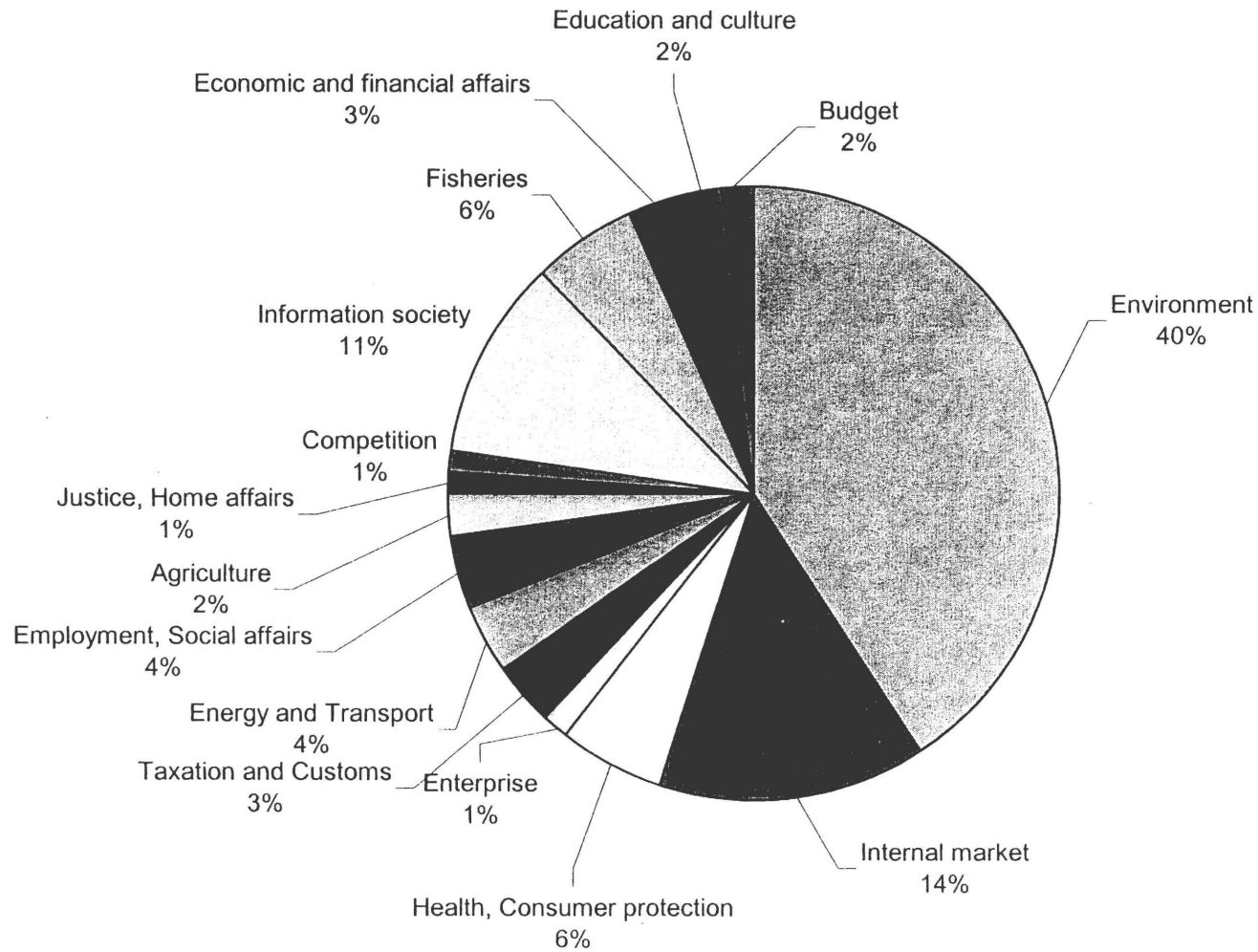
### 1.4.3. Non-communication cases opened in 2001, by sector

*(non-communication of measures transposing directives and technical regulations under Directive 98/34/EC)*

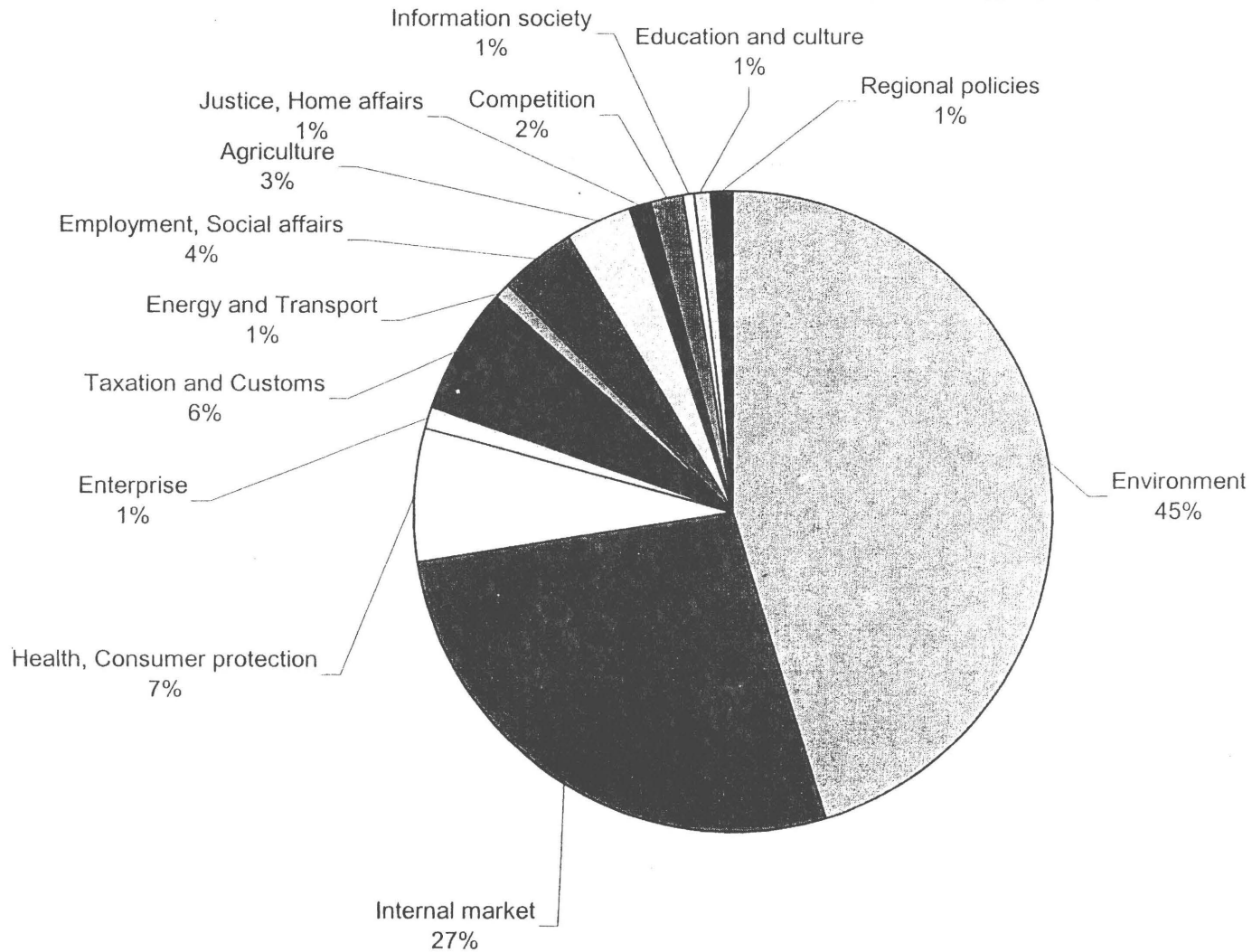
	opened		under exam. as of 31/12/2001		Number of directives (adaptation term in 2001)	
Total:	607		289		71	
Environment	113	18,62%	71	24,57%	9	12,68%
Internal market	45	7,41%	29	10,03%	4	5,63%
Health, Consumer protection	233	38,39%	70	24,22%	26	36,62%
Enterprise	107	17,63%	52	17,99%	16	22,54%
Taxation and Customs	0	0,00%	0	0,00%	2	2,82%
Energy and Transport	42	6,92%	21	7,27%	6	8,45%
Employment, Social affairs	39	6,43%	29	10,03%	6	8,45%
Agriculture (*)	7	1,15%	0	0,00%	0	0,00%
Competition	15	2,47%	11	3,81%	1	1,41%
Information society	6	0,99%	6	2,08%	1	1,41%

(\*) relates to a directive for which the adaptation term was end 2000

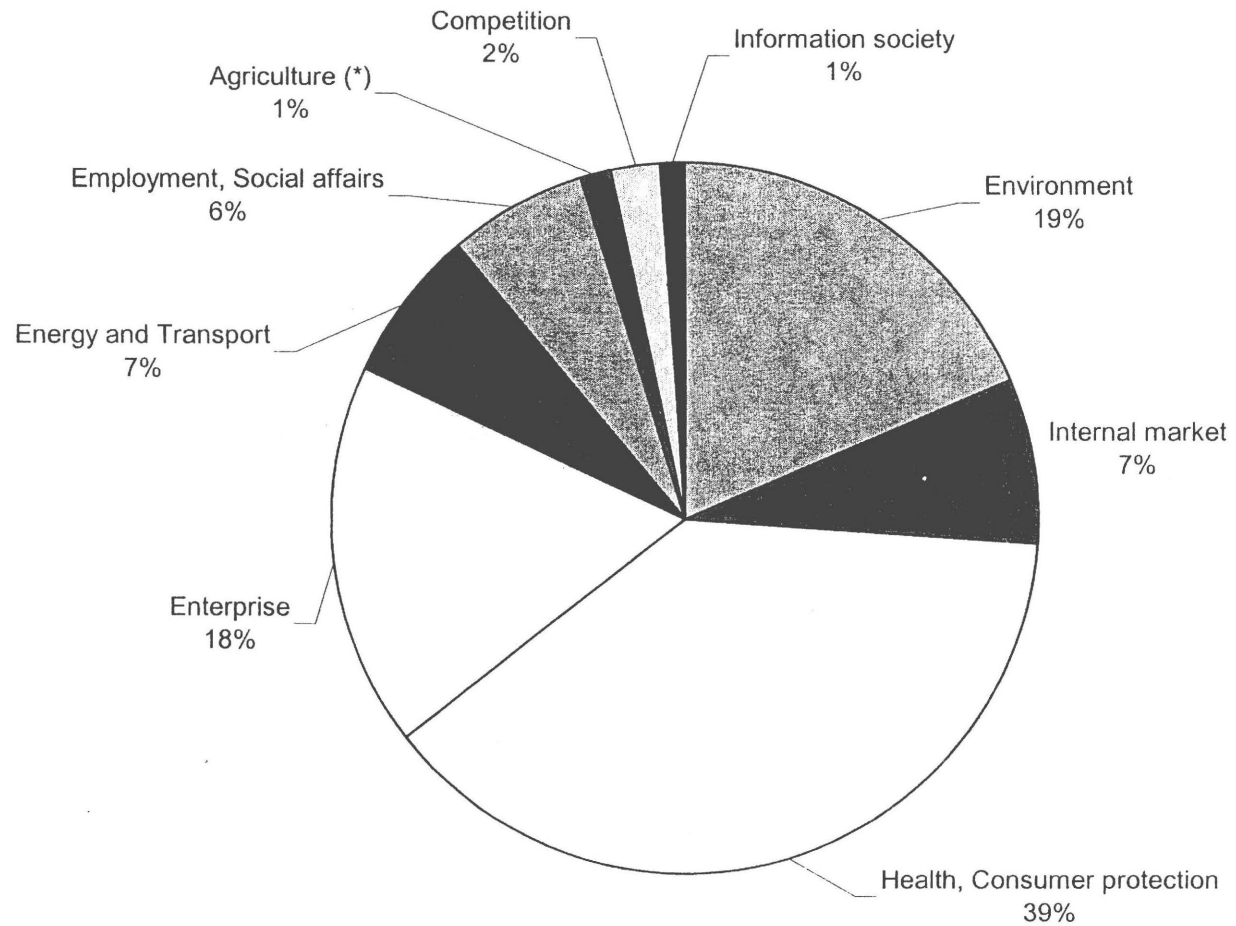
1.4.1. Own initiative cases detected by the Commission in 2001, by sector (graphic)



### 1.4.2. Complaints received in 2001, by sector (graphic)



### 1.4.3. Non-communication cases opened in 2001, by sector (graphic)





## **Annex II**

**Infringements procedures – break down per stage reached,  
legal basis, Member State and sector**

**Table 2.1.**

**Established infringements - Classified by stage of proceedings and Member State**

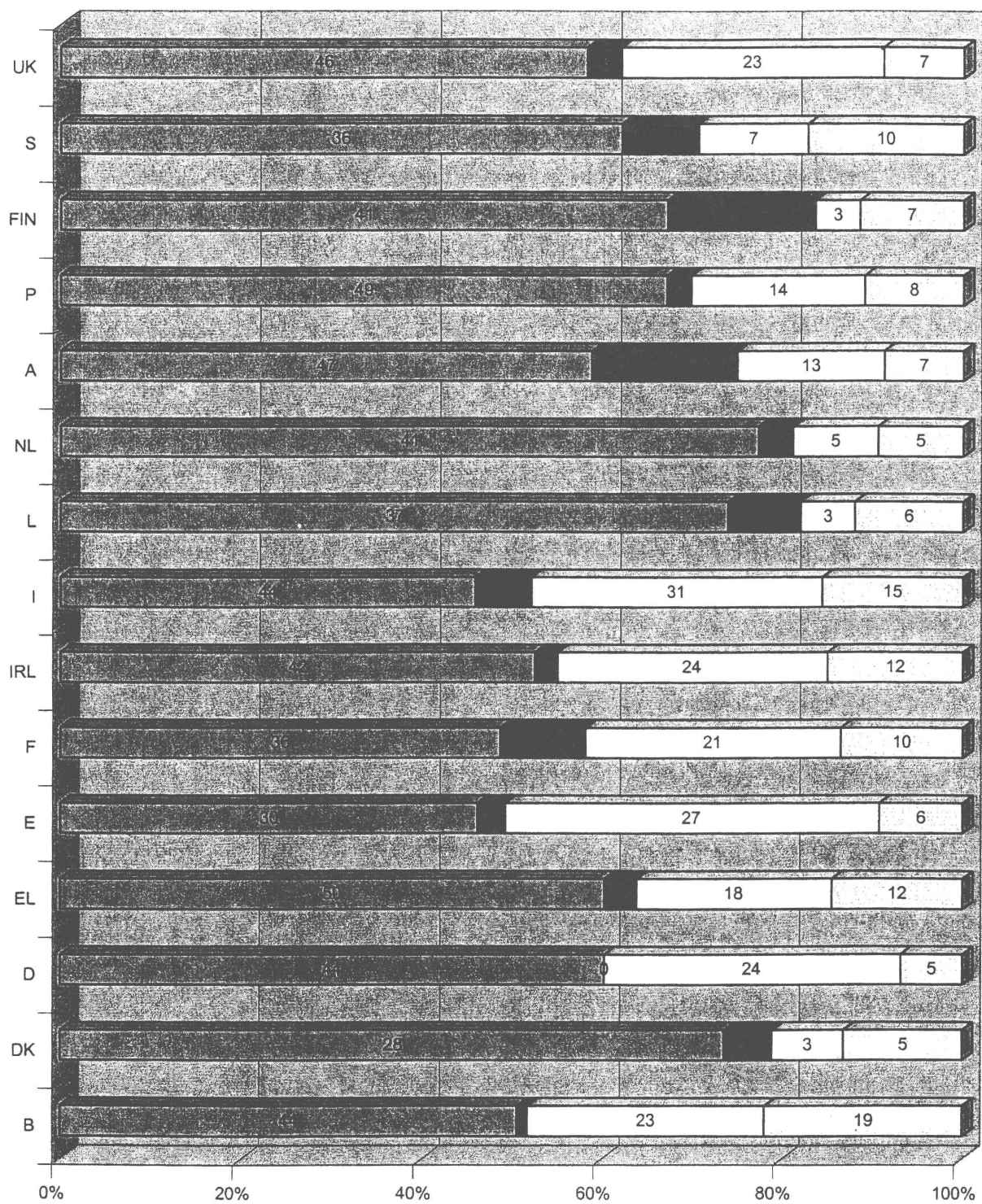
Member State	Letters of formal notice					Reasoned opinions					Referrals to Court				
	1997	1998	1999	2000	2001	1997	1998	1999	2000	2001	1997	1998	1999	2000	2001
B	93	88	80	92	87	33	78	30	34	44	18	20	15	5	13
DK	64	40	46	54	38	1	10	4	7	10	0	1	1	0	2
D	116	88	84	92	73	35	46	30	40	39	19	5	9	11	12
EL	109	95	88	115	83	23	51	48	35	71	10	16	14	23	16
E	104	78	72	93	65	23	36	21	32	37	7	6	7	8	14
F	157	121	86	110	74	49	94	61	43	50	15	23	35	27	22
IRL	86	63	67	91	80	14	46	32	27	50	6	10	15	17	13
I	123	110	85	118	96	36	91	41	50	53	20	16	32	24	22
L	74	62	65	78	50	14	39	38	40	33	8	11	18	16	10
NL	65	28	68	64	53	11	23	16	16	25	3	3	1	12	5
A	109	76	85	85	80	38	38	37	33	44	0	4	9	8	7
P	116	80	87	120	73	35	57	50	46	38	14	5	13	10	7
FIN	78	52	44	63	61	8	16	5	14	16	0	1	0	4	2
S	75	54	57	72	58	6	15	14	13	14	0	1	1	3	3
UK	92	66	61	70	79	8	35	33	30	45	1	1	8	4	14
<b>Total</b>	<b>1461</b>	<b>1101</b>	<b>1075</b>	<b>1317</b>	<b>1050</b>	<b>334</b>	<b>675</b>	<b>460</b>	<b>460</b>	<b>569</b>	<b>121</b>	<b>123</b>	<b>178</b>	<b>172</b>	<b>162</b>

Table 2.2. Infringement proceedings classified by Member State, stage reached and legal basis

		1997				1998				1999				2000				2001								
		Total	Directives		Treaties, Regulations, Decisions (TRD)	Total	Directives		Treaties, Regulations, Decisions (TRD)	Total	Directives		Treaties, Regulations, Decisions (TRD)	Total	Directives		Treaties, Regulations, Decisions (TRD)	Total	Directives		Treaties, Regulations, Decisions (TRD)					
			No notification (NC)	Non conform (Nco)			Bad applic. (BA)	No notification (NC)			Non conform (Nco)	Bad applic. (BA)			No notification (NC)	Non conform (Nco)			Bad applic. (BA)	No notification (NC)		Non conform (Nco)	Bad applic. (BA)	No notification (NC)	Non conform (Nco)	Bad applic. (BA)
B	LFN	83	72	4	7	10	88	45	10	14	19	80	43	10	13	14	92	64	6	11	11	87	44	1	23	19
	RO	33	15	1	5	12	78	41	10	11	16	30	13	6	6	5	34	14	6	8	6	44	25	7	7	5
	REF	18	11	2	3	2	20	9	0	2	9	15	5	5	2	3	5	3	1	1	0	13	6	4	3	0
DK	LFN	64	53	6	2	3	40	28	1	3	8	46	32	4	4	6	54	45	2	3	4	38	28	2	3	5
	RO	1	0	0	1	0	10	4	2	2	2	4	3	0	0	1	7	1	3	1	2	10	3	2	4	1
	REF	0	0	0	0	0	1	0	0	0	1	1	0	0	0	0	0	0	0	0	0	2	0	0	1	1
D	LFN	116	71	12	22	11	88	43	8	21	16	84	47	7	21	9	92	51	7	23	11	73	44	0	24	5
	RO	35	22	4	5	4	46	21	7	9	9	30	12	5	8	5	40	20	4	11	5	38	22	4	9	4
	REF	19	12	2	4	1	5	1	0	3	1	9	4	1	1	3	11	4	2	4	1	12	4	4	4	0
EL	LFN	109	87	3	7	12	95	58	8	17	12	88	60	4	12	12	115	89	4	10	12	83	50	3	18	12
	RO	23	14	0	5	4	51	34	2	6	9	48	29	6	7	6	35	24	2	5	4	71	54	1	8	8
	REF	10	8	1	1	0	16	7	0	8	1	14	11	1	2	0	23	18	1	2	2	16	12	1	3	0
E	LFN	104	68	10	11	15	78	31	4	28	15	72	40	5	16	11	93	46	4	31	12	65	30	2	27	6
	RO	23	8	4	7	4	36	15	3	7	11	21	4	4	11	2	32	10	1	14	7	37	16	4	14	3
	REF	7	2	0	3	2	6	3	1	2	0	7	2	4	1	0	8	2	1	3	2	14	6	0	7	1
F	LFN	157	74	9	44	30	121	49	14	26	32	86	46	3	12	25	110	64	8	17	21	74	36	7	21	10
	RO	49	14	3	18	14	94	43	6	22	23	61	21	11	24	5	43	20	6	3	21	50	21	4	13	12
	REF	15	9	1	4	1	23	7	3	8	5	35	13	2	9	11	27	11	5	6	5	22	12	3	5	2
IRL	LFN	88	71	4	10	1	63	46	2	11	4	67	45	3	14	5	91	69	0	20	2	80	42	2	24	12
	RO	14	9	2	3	0	46	39	0	4	3	32	22	4	4	2	27	17	2	6	2	50	31	2	13	4
	REF	6	5	0	1	0	10	9	1	0	0	15	10	1	2	2	17	13	1	2	1	13	10	1	2	0
I	LFN	123	85	11	26	21	110	48	10	25	27	85	57	4	19	5	118	61	15	30	12	96	44	6	31	15
	RO	38	18	4	5	9	91	45	8	22	16	41	21	8	7	5	50	24	4	17	5	53	23	8	17	5
	REF	20	14	1	5	0	16	14	0	1	1	32	15	4	5	8	24	6	5	6	7	22	8	5	5	4
L	LFN	74	65	5	3	1	62	54	3	3	2	65	48	10	4	3	78	67	1	6	4	50	37	4	3	6
	RO	14	10	2	1	1	39	30	1	6	2	38	33	5	0	0	40	24	7	6	3	33	25	2	4	2
	REF	8	7	0	0	1	11	9	0	0	2	18	16	2	0	0	16	13	0	3	0	10	3	2	3	2
NL	LFN	65	46	4	9	6	28	15	2	6	5	68	50	2	6	10	64	44	3	13	4	53	41	2	5	5
	RO	11	3	1	5	2	23	12	3	3	5	16	13	0	2	1	16	8	2	3	3	25	15	2	7	1
	REF	3	1	0	2	0	3	0	0	3	0	1	0	1	0	0	12	9	1	2	0	5	0	2	0	3
A	LFN	109	85	4	11	9	76	43	14	11	8	85	49	12	7	17	85	61	13	9	2	60	47	13	13	7
	RO	38	33	0	4	1	38	25	3	6	4	37	24	4	5	4	33	15	6	3	9	44	26	11	6	1
	REF	0	0	0	0	0	4	1	0	2	1	8	7	2	0	0	8	5	1	0	2	7	3	3	0	1
P	LFN	116	85	7	18	6	80	53	5	12	10	87	63	4	12	8	120	67	3	16	4	73	49	2	14	8
	RO	35	18	6	5	6	57	37	5	10	5	50	37	4	5	4	46	31	4	10	1	38	24	1	10	3
	REF	14	7	5	2	0	5	0	0	2	3	13	7	3	2	1	10	8	0	0	2	7	4	0	3	0
FIN	LFN	78	64	2	8	4	52	29	7	9	7	44	36	2	3	3	63	57	2	3	1	61	41	10	3	7
	RO	8	8	0	0	0	16	8	1	6	1	5	0	3	2	0	14	8	3	1	2	16	12	3	1	0
	REF	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	4	0	0	4	0	2	2	0	0	0
S	LFN	75	58	8	4	5	54	34	7	6	7	57	44	6	5	2	72	56	3	3	10	58	36	5	7	10
	RO	6	6	0	0	0	15	8	2	2	3	14	7	4	2	1	13	8	4	1	0	14	5	1	5	3
	REF	0	0	0	0	0	1	0	0	0	1	0	1	0	0	0	3	2	0	1	0	3	1	2	0	0
UK	LFN	92	65	8	14	5	66	39	12	9	6	81	46	2	7	6	70	54	5	7	4	79	46	3	23	7
	RO	8	1	2	5	0	35	22	6	3	4	33	21	4	5	3	30	19	1	8	2	45	32	4	7	2
	REF	1	0	0	1	0	1	0	0	0	1	8	5	1	0	2	4	1	0	2	1	14	11	1	1	1
TOTAL	LFN	1481	1029	97	196	139	1101	615	107	201	178	1075	706	78	155	136	1317	925	76	202	114	1050	615	62	239	134
	RO	334	179	29	89	57	875	384	59	119	113	460	260	68	88	44	460	243	55	97	65	569	334	56	125	54
	REF	121	76	12	26	7	123	60	5	31	27	178	95	29	24	30	172	95	18	36	23	162	82	28	37	15

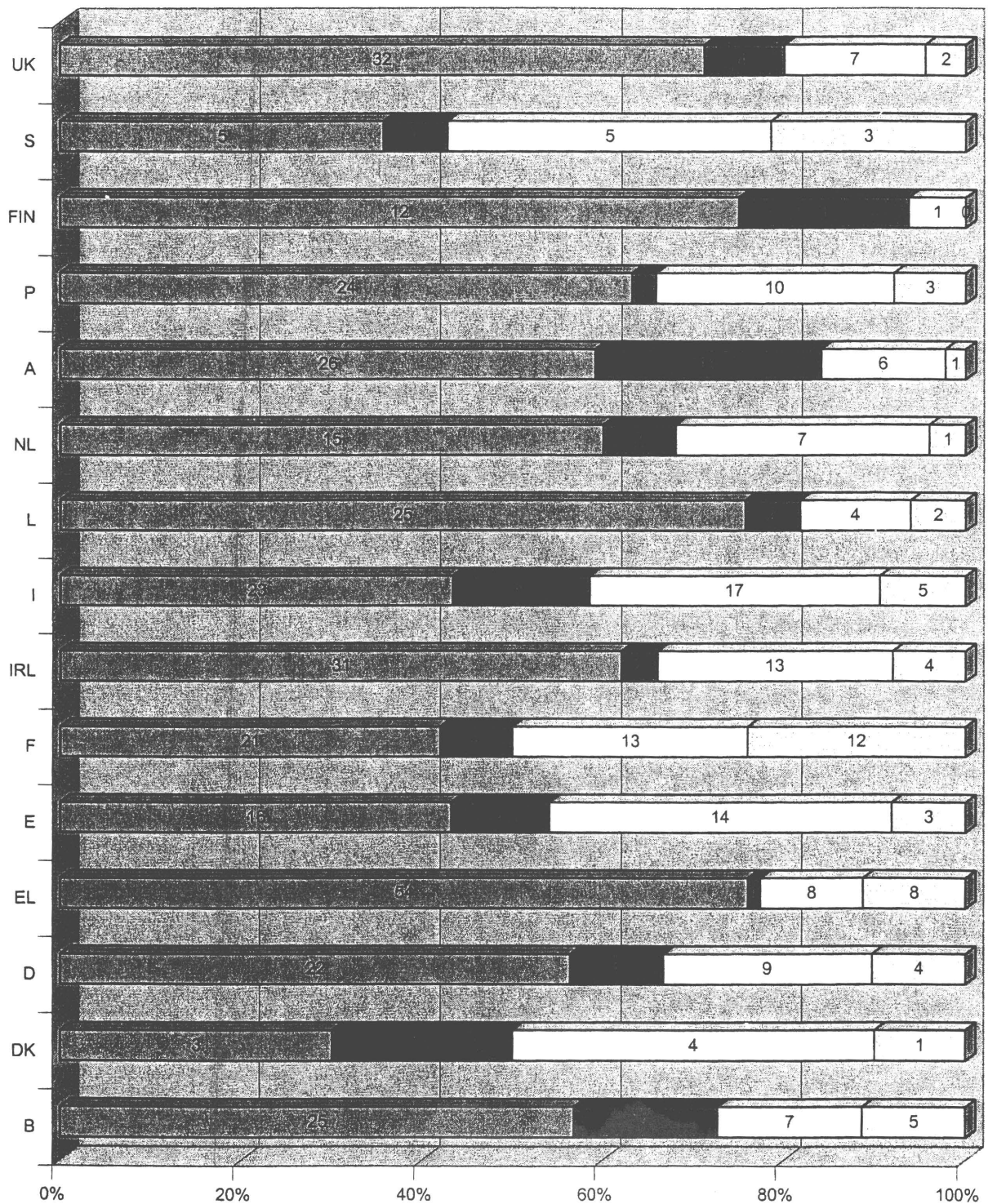
LFN Letter of formal notice  
RO Reasoned opinion  
REF Referral to the Court

Table 2.2.1. Letters of formal notice sent in 2001 , by legal basis and Member State (graphic)



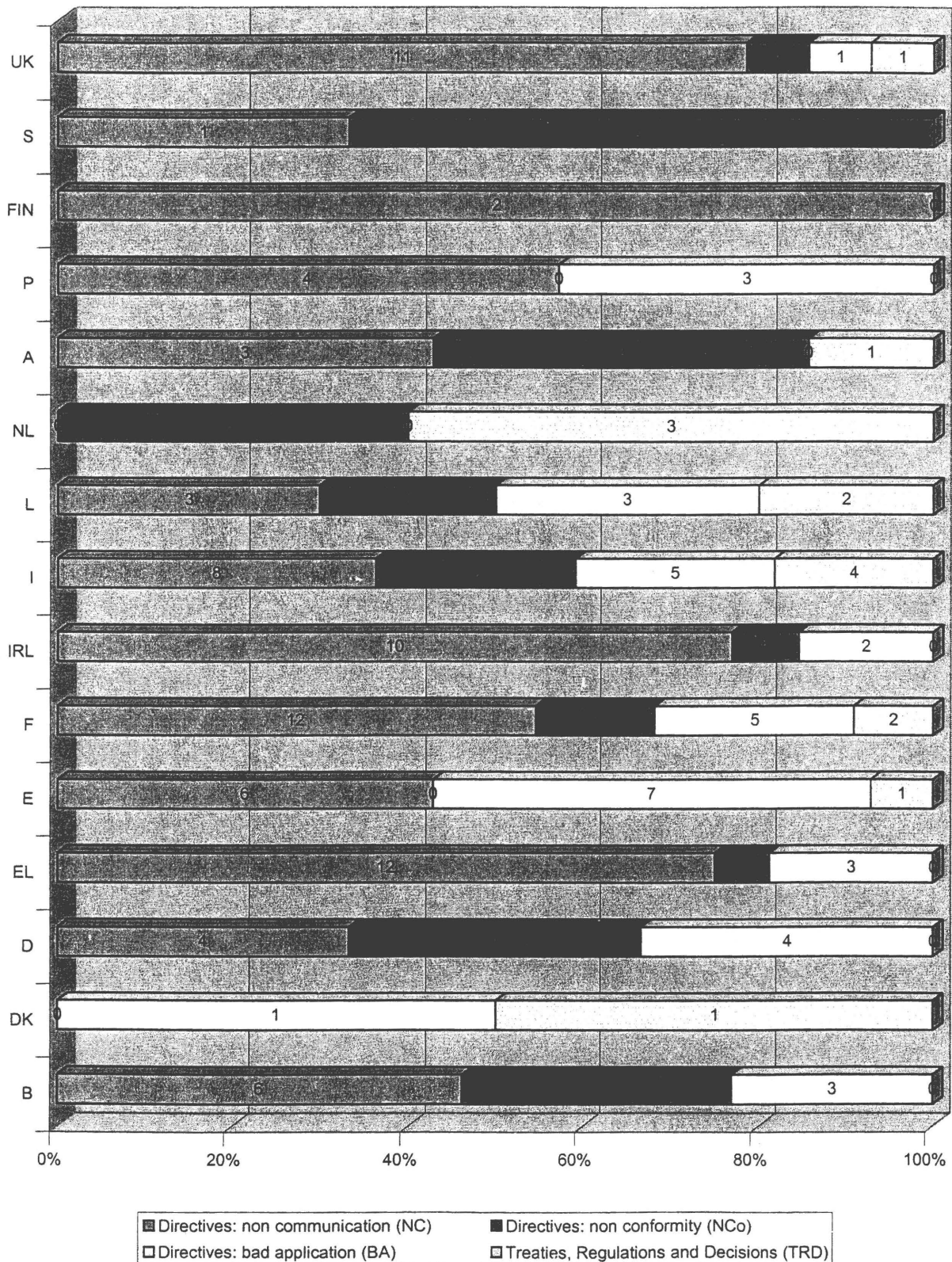
Directives: non communication (NC)
  Directives: non conformity (Nco)
  Directives: bad application (BA)
  Treaties, Regulations and Decisions (TRD)

**Table 2.2.2. Reasoned opinions sent in 2001, by legal basis and Member State (graphic)**



Directives: non communication (NC)
  Directives: non conformity (Nco)
  Directives: bad application (BA)
  Treaties, Regulations and Decisions (TRD)

**Table 2.2.3. Referrals to the Court of justice in 2001, by legal basis and Member State (graphic)**



**Table 2.3. Cases under examination: procedure statement as of 31/12/2001, by Member State**

	<b>Total</b>		<b>(1)</b>		<b>(2)</b>		<b>(3)</b>		<b>(4)</b>		<b>(5)</b>		<b>(6)</b>		<b>(7)</b>
<b>Total:</b>	<b>3360</b>		<b>1669</b>		<b>49,67%</b>		<b>934</b>		<b>27,80%</b>		<b>347</b>		<b>10,33%</b>		<b>47</b>
B	189	5,63%	136	8,15%	71,96%	68	7,28%	35,98%	23	6,63%	12,17%	6			
DK	82	2,44%	40	2,40%	48,78%	18	1,93%	21,95%	4	1,15%	4,88%	0			
D	385	11,46%	146	8,75%	37,92%	80	8,57%	20,78%	28	8,07%	7,27%	2			
EL	295	8,78%	140	8,39%	47,46%	81	8,67%	27,46%	34	9,80%	11,53%	5			
E	487	14,49%	132	7,91%	27,10%	70	7,49%	14,37%	26	7,49%	5,34%	2			
F	355	10,57%	191	11,44%	53,80%	125	13,38%	35,21%	53	15,27%	14,93%	13			
IRL	199	5,92%	94	5,63%	47,24%	52	5,57%	26,13%	27	7,78%	13,57%	5			
I	380	11,31%	182	10,90%	47,89%	106	11,35%	27,89%	57	16,43%	15,00%	7			
L	81	2,41%	70	4,19%	86,42%	47	5,03%	58,02%	17	4,90%	20,99%	2			
NL	136	4,05%	80	4,79%	58,82%	43	4,60%	31,62%	15	4,32%	11,03%	1			
A	188	5,60%	129	7,73%	68,62%	69	7,39%	36,70%	15	4,32%	7,98%	1			
P	144	4,29%	98	5,87%	68,06%	60	6,42%	41,67%	14	4,03%	9,72%	2			
FIN	101	3,01%	58	3,48%	57,43%	23	2,46%	22,77%	6	1,73%	5,94%	0			
S	118	3,51%	57	3,42%	48,31%	23	2,46%	19,49%	6	1,73%	5,08%	0			
UK	220	6,55%	116	6,95%	52,73%	69	7,39%	31,36%	22	6,34%	10,00%	1			

(1) Cases under examination as of 31/12/2001 for which the infringement procedure has been opened and percentages with regard to all the cases.

(2) Percentage of cases for which the infringement procedure has been opened with regard to cases under examination as of 31/12/2001 concerning this Member State.

(3) Cases for which a reasoned opinion has been sent and percentages with regard to all the cases.

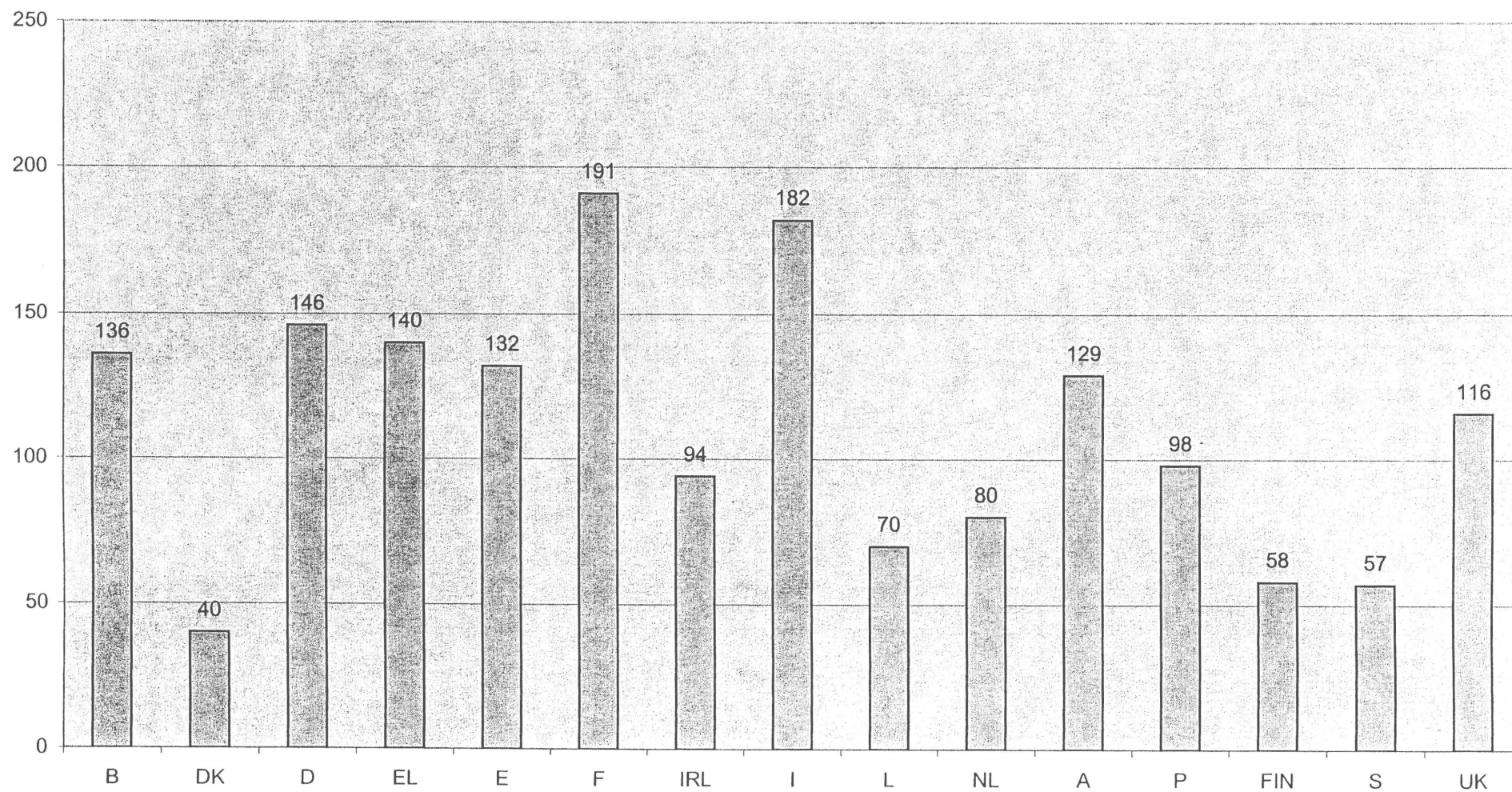
(4) Percentage of cases for which a reasoned opinion has been sent with regard to all cases under examination as of 31/12/2001 concerning this Member State.

(5) Cases brought to the ECJ and percentages with regard to all cases.

(6) Percentage of cases referred to the ECJ with regard to all cases under examination as of 31/12/2001 for this Member State.

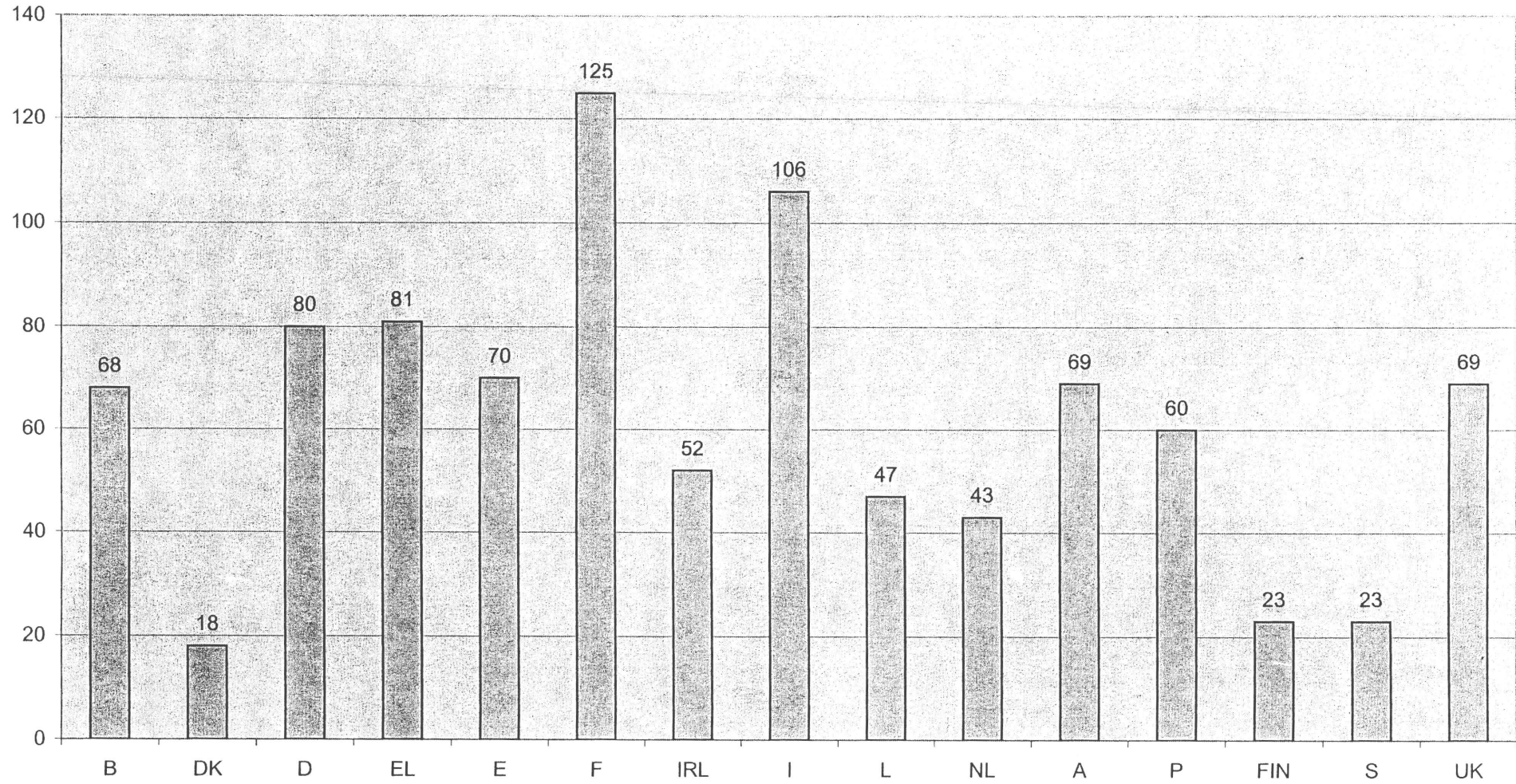
(7) Cases for which the procedure under article 228 of the Treaty has been opened.

**Table 2.3.1. Cases under examination as of 31/12/2001 for which the infringement procedure has been opened by Member State (graphic)**

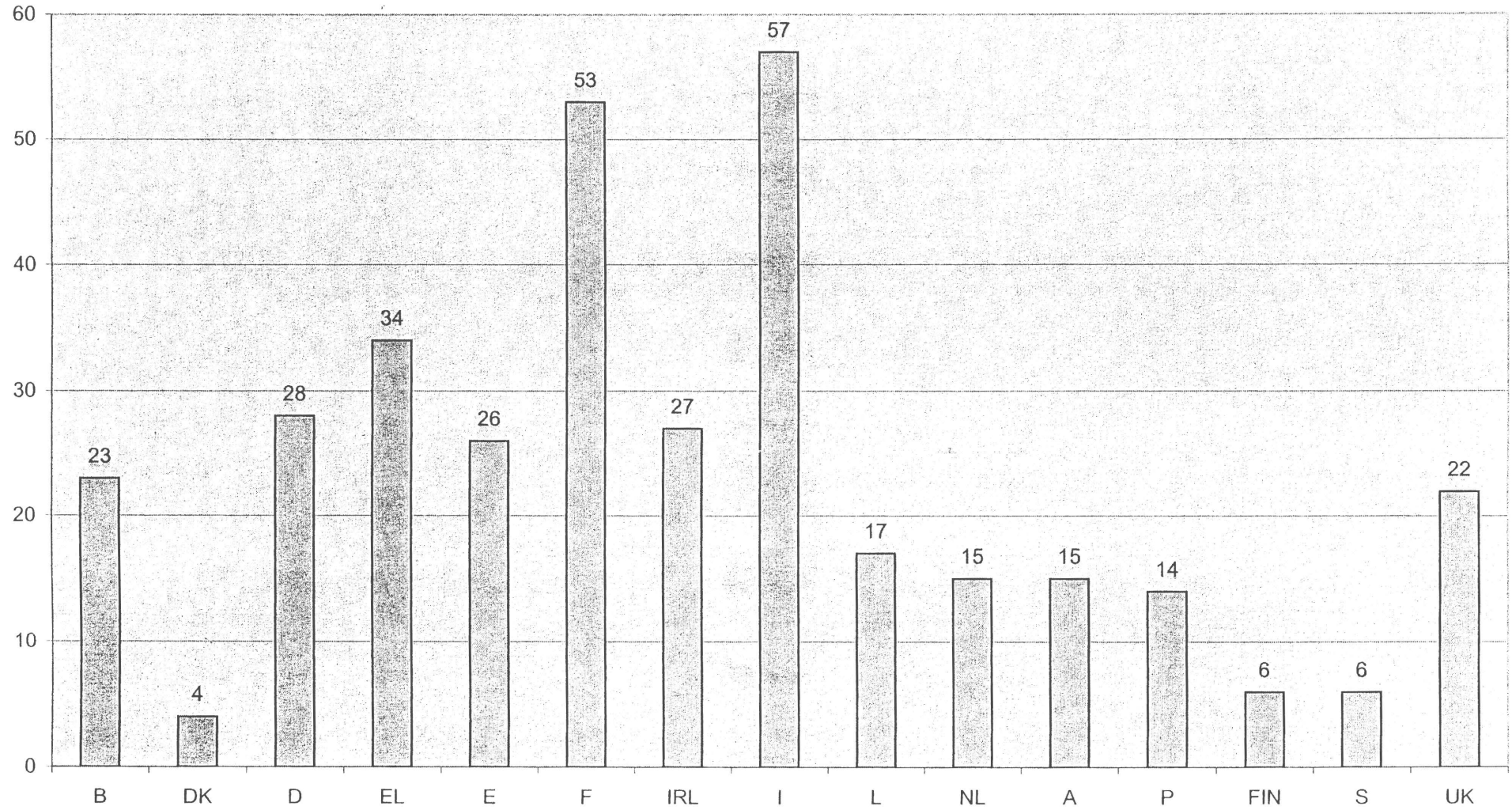




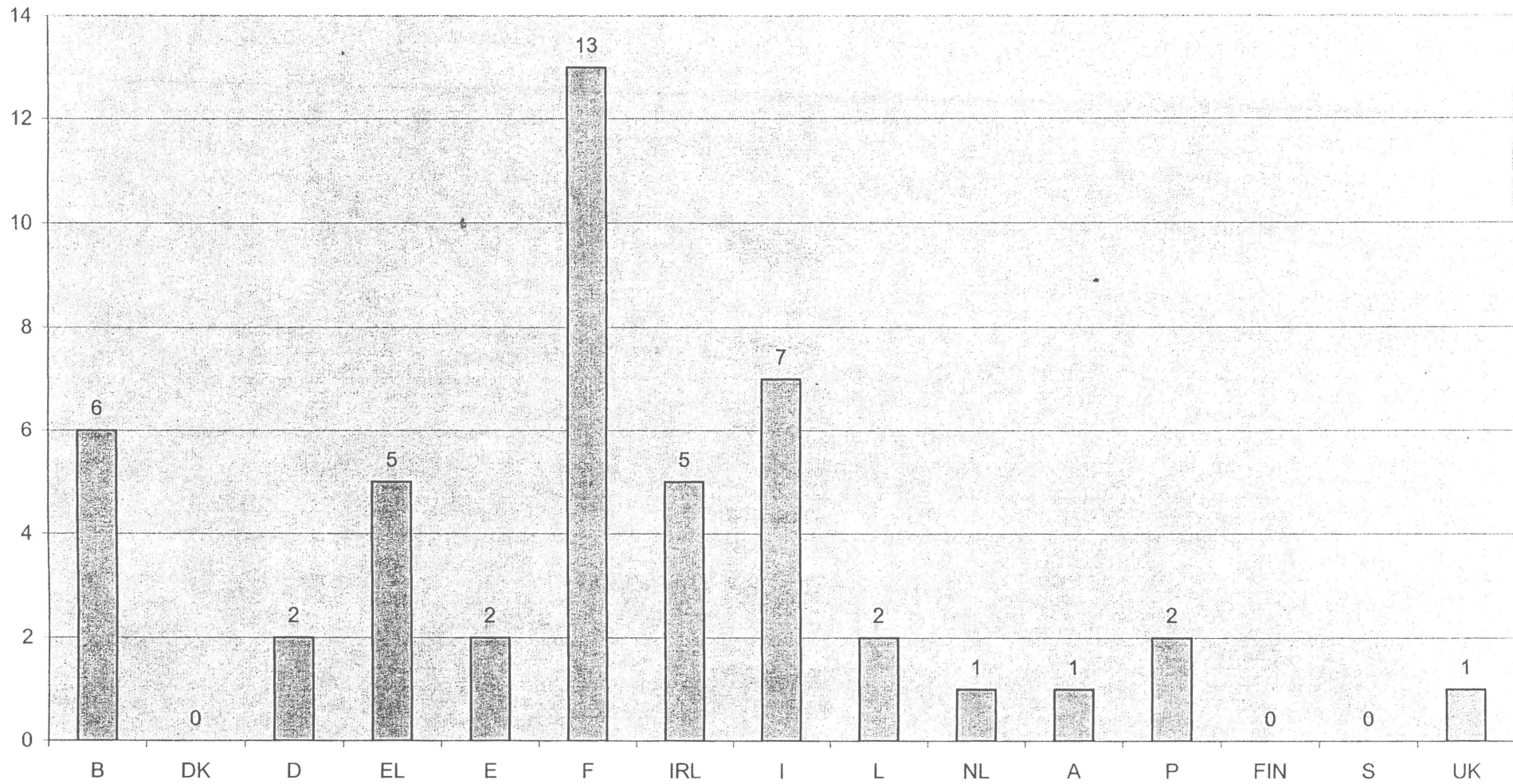
**Table 2.3.2. Cases under examination as of 31/12/2001, for which a reasoned opinion has been sent by Member State (graphic)**



**Table 2.3.3. Cases under examination as of 31/12/2001 referred to the ECJ by Member State (graphic)**



**Table 2.3.4. Cases under examination as of 31/12/2001, for which the 228 procedure has been opened by Member State (graphic)**



**Table 2.4. Cases under examination as of 31/12/2001, by sector**

	<b>total</b>		<b>(1)</b>		<b>(2)</b>	<b>(3)</b>		<b>(4)</b>	<b>(5)</b>		<b>(6)</b>	<b>(7)</b>
<b>Total:</b>	<b>3360</b>		<b>1669</b>		<b>49,67%</b>	<b>934</b>		<b>27,80%</b>	<b>347</b>		<b>10,33%</b>	<b>47</b>
Environment	1302	38,75%	488	29,24%	37,48%	293	31,37%	22,50%	127	36,60%	9,75%	20
Internal Market	763	22,71%	368	22,05%	48,23%	192	20,56%	25,16%	63	18,16%	8,26%	5
Agriculture	71	2,11%	28	1,68%	39,44%	20	2,14%	28,17%	2	0,58%	2,82%	0
Enterprise	137	4,08%	110	6,59%	80,29%	52	5,57%	37,96%	11	3,17%	8,03%	2
Social Affairs	178	5,30%	116	6,95%	65,17%	56	6,00%	31,46%	23	6,63%	12,92%	3
Customs and Taxation	217	6,46%	113	6,77%	52,07%	63	6,75%	29,03%	23	6,63%	10,60%	1
Energy and Transport	128	3,81%	111	6,65%	86,72%	86	9,21%	67,19%	43	12,39%	33,59%	10
Competition	59	1,76%	22	1,32%	37,29%	9	0,96%	15,25%	4	1,15%	6,78%	0
Information society	69	2,05%	53	3,18%	76,81%	25	2,68%	36,23%	6	1,73%	8,70%	1
Health, Consumer protection	249	7,41%	152	9,11%	61,04%	95	10,17%	38,15%	27	7,78%	10,84%	4
Fisheries	47	1,40%	44	2,64%	93,62%	18	1,93%	38,30%	6	1,73%	12,77%	1
Financial affairs	29	0,86%	15	0,90%	51,72%	9	0,96%	31,03%	6	1,73%	20,69%	0
Budget	20	0,60%	19	1,14%	95,00%	8	0,86%	40,00%	3	0,86%	15,00%	0
Education, Culture, Audiovisual	31	0,92%	13	0,78%	41,94%	5	0,54%	16,13%	2	0,58%	6,45%	0
Administration	2	0,06%	0	0,00%	0,00%	0	0,00%	0,00%	0	0,00%	0,00%	0
Enlargement	2	0,06%	0	0,00%	0,00%	0	0,00%	0,00%	0	0,00%	0,00%	0
Regional policy	14	0,42%	1	0,06%	7,14%	0	0,00%	0,00%	0	0,00%	0,00%	0
Justice and Home affairs	40	1,19%	16	0,96%	40,00%	3	0,32%	7,50%	1	0,29%	2,50%	0
Legal Service	2	0,06%	0	0,00%	0,00%	0	0,00%	0,00%	0	0,00%	0,00%	0

(1) Cases under examination as of 31/12/2001 for which the infringement procedure has been opened and percentages with regard to all the cases

(2) Percentage of cases for which the infringement procedure has been opened with regard to cases under examination as of 31/12/2001 concerning this sector

(3) Cases for which a reasoned opinion has been sent and percentages with regard to all the cases.

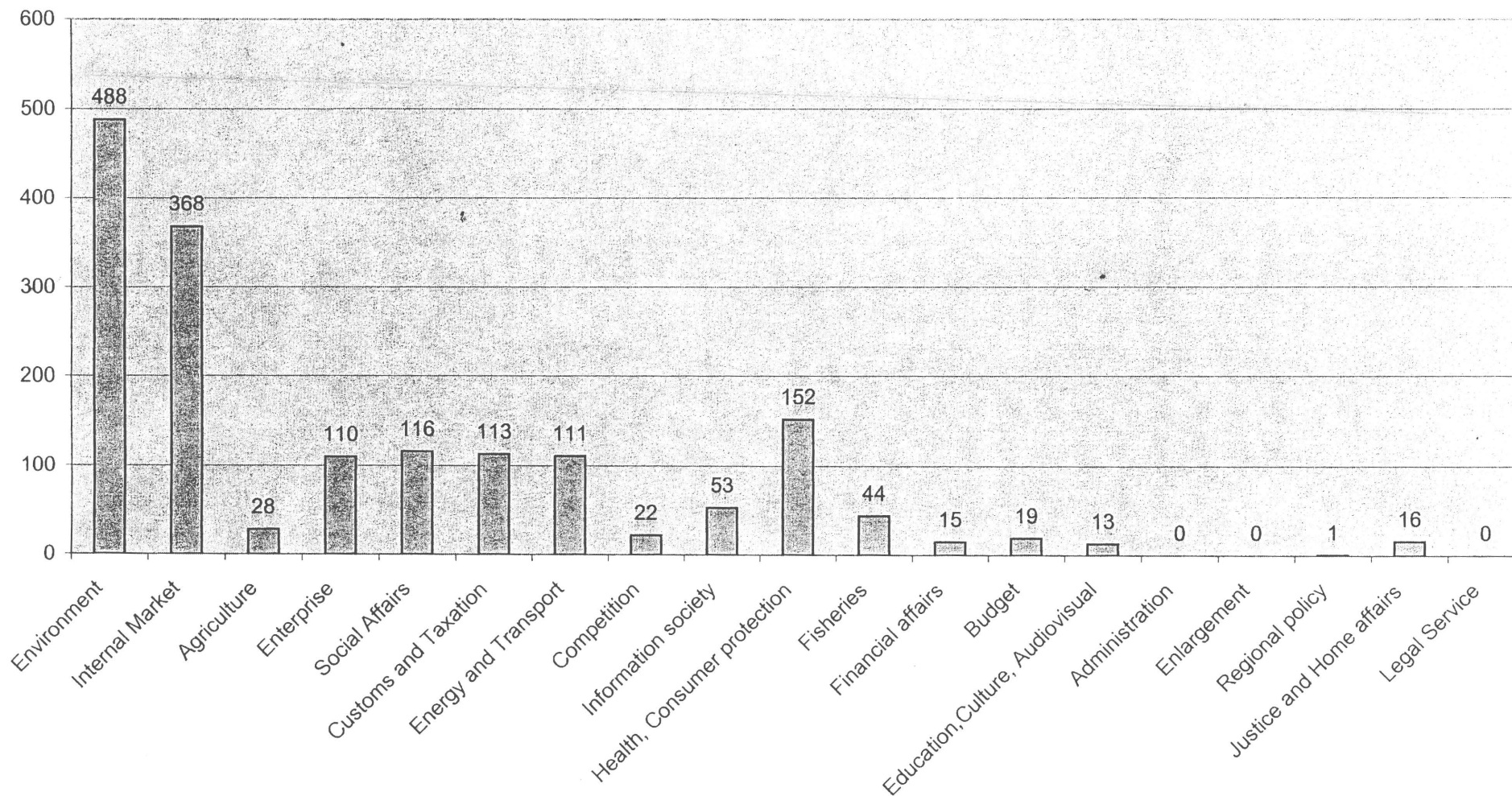
(4) Percentage of cases for which a reasoned opinion has been sent with regard to all cases under examination as of 31/12/2001 concerning this sector

(5) Cases brought to the ECJ and percentages with regard to all cases.

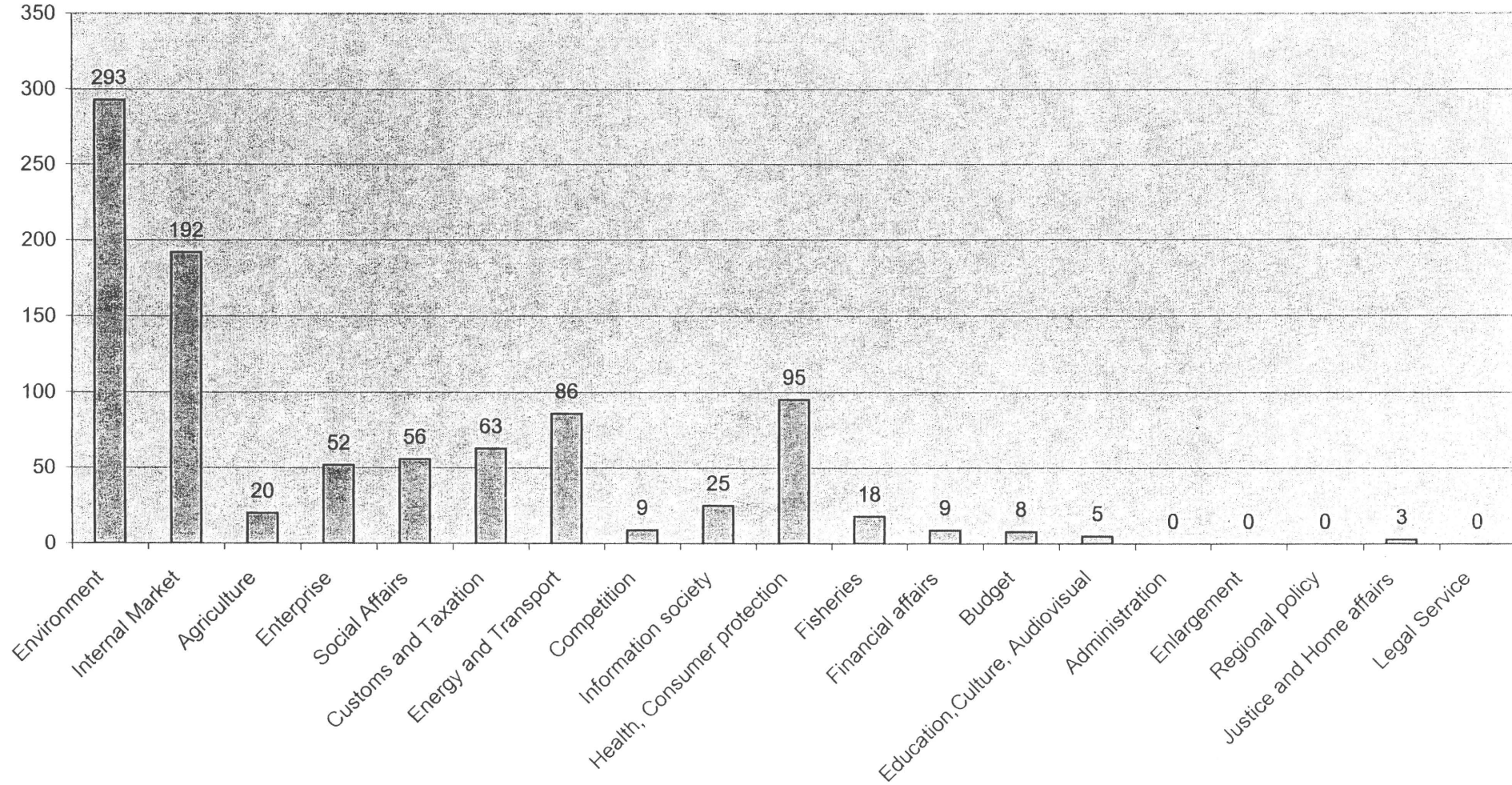
(6) Percentage of cases referred to the ECJ with regard to all cases under examination as of 31/12/2001 for this sector

(7) Cases for which the procedure under article 228 of the Treaty has been opened.

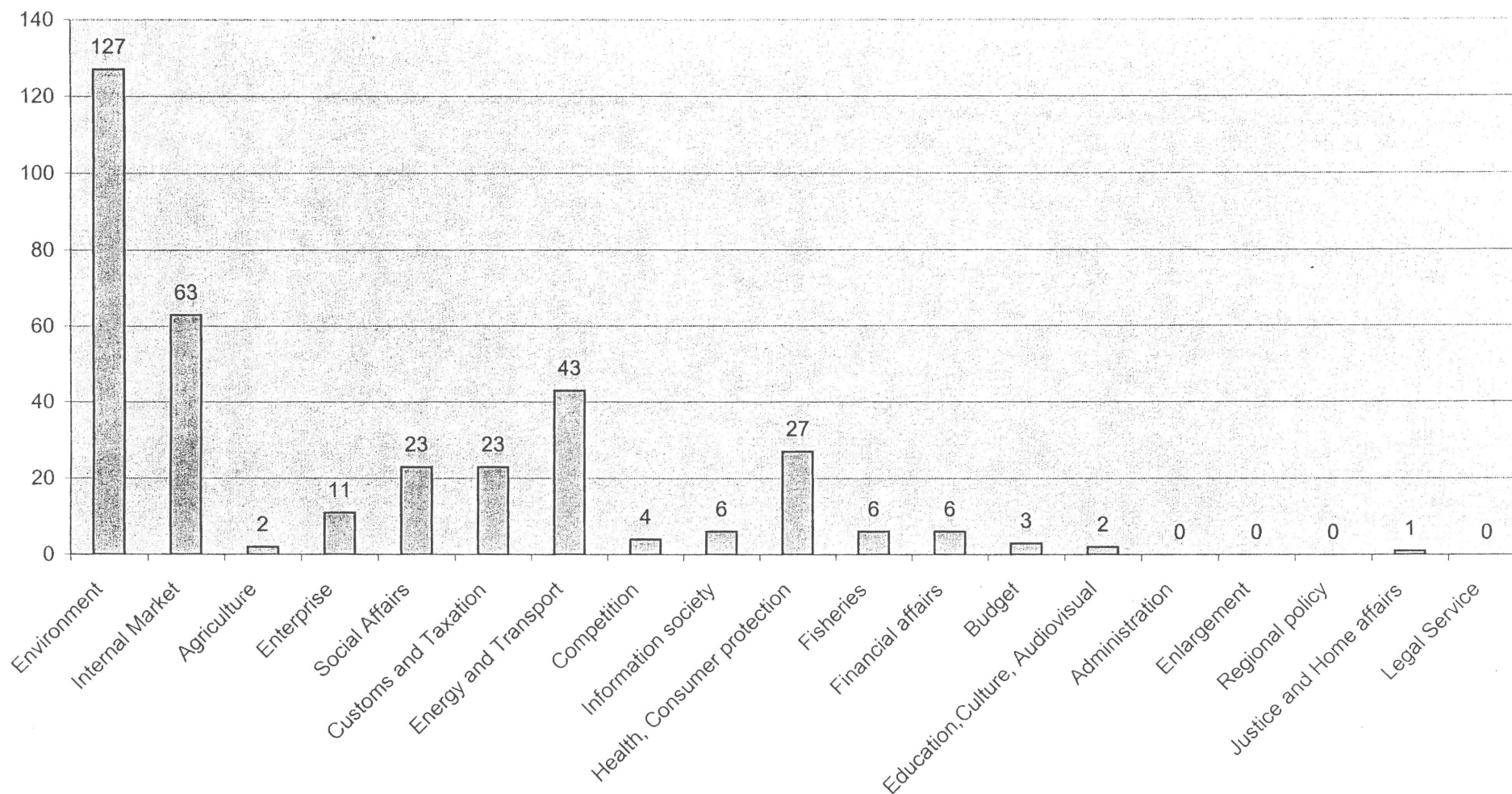
**Tableau 2.4.1. Cases under examination as of 31/12/2001 for which infringement procedure has been opened, by sector (graphic)**



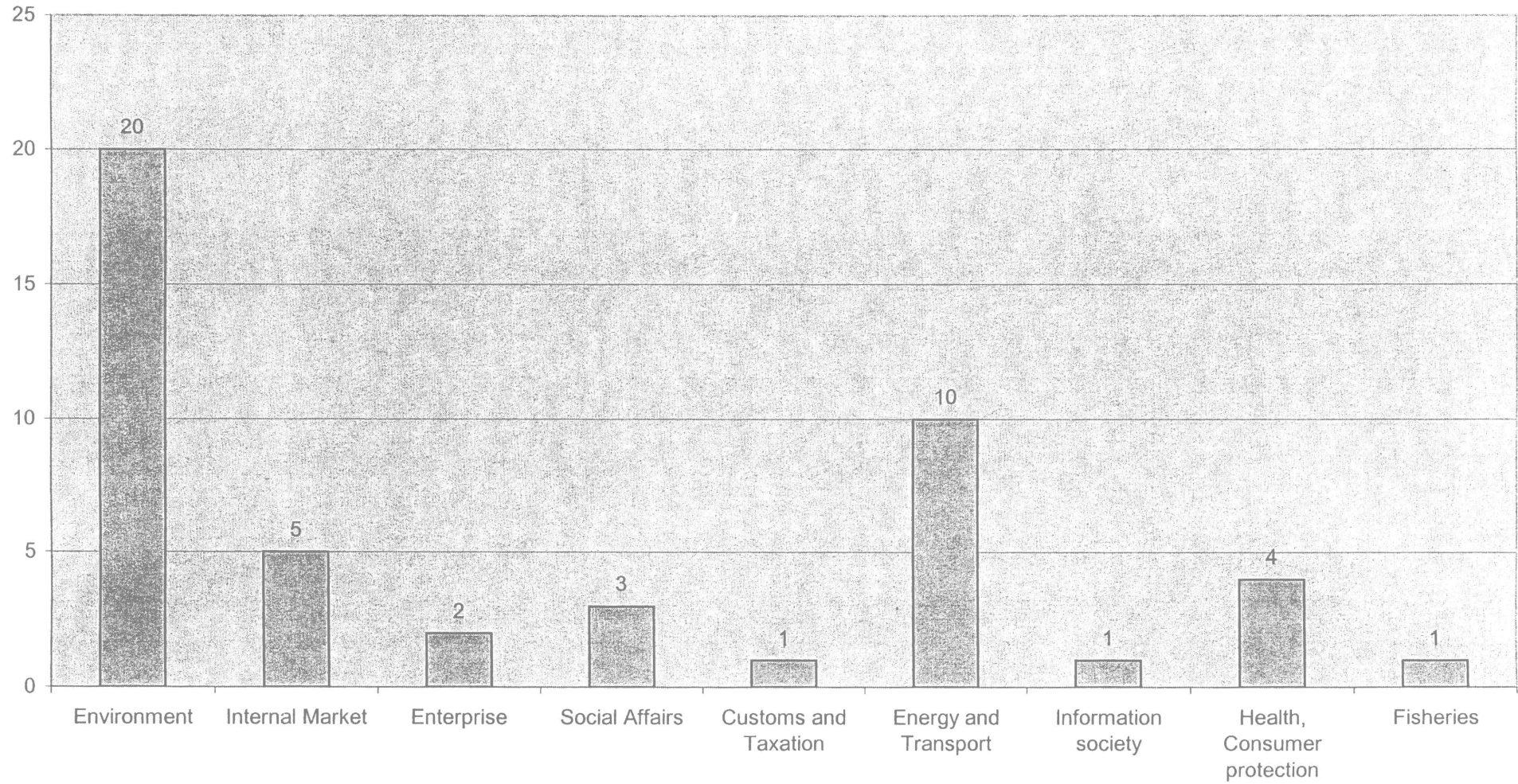
**Table 2.4.2. Cases under examination as of 31/12/2001 for which a reasoned opinion has been sent, by sector (graphic)**



**Table 2.4.3 Cases under examination as of 31/12/2001 referred to the Court of Justice, by sector (graphique)**



**Table 2.4.4. Cases under examination as of 31/12/2001 for which a procedure ex article 228 has been initiated, by sector (graphic)**

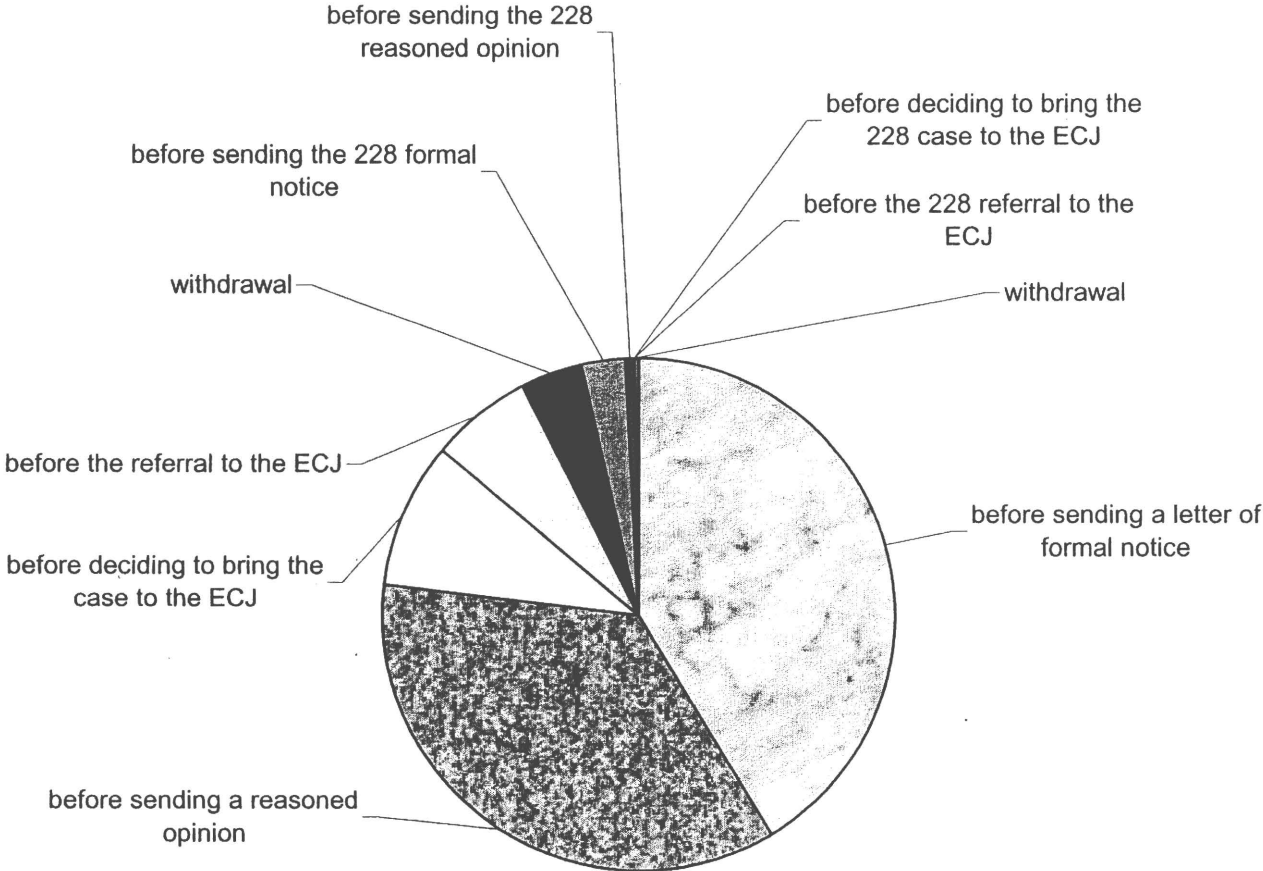




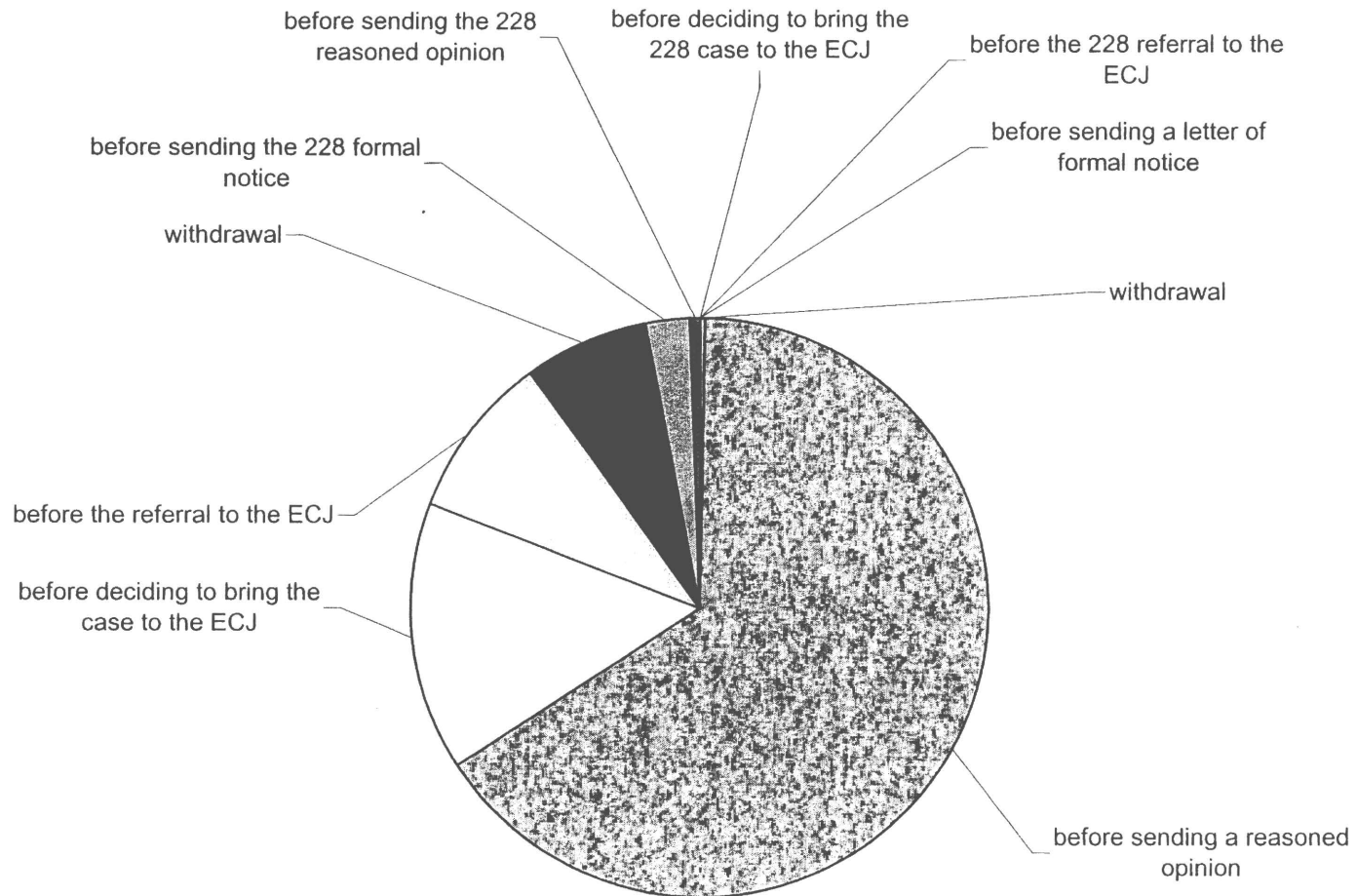
**Table 2.5. Cases closed in 2001**

by stage			<i>non communication</i>		<i>except non-communication</i>	
before sending a letter of formal notice	<b>792</b>	41,36%	2	0,26%	790	68,64%
before sending a reasoned opinion	<b>684</b>	35,72%	502	65,71%	182	15,81%
before deciding to bring the case to the ECJ	<b>173</b>	9,03%	114	14,92%	59	5,13%
before the referral to the ECJ	<b>122</b>	6,37%	70	9,16%	52	4,52%
withdrawal	<b>75</b>	3,92%	53	6,94%	22	1,91%
before sending the 228 formal notice	<b>52</b>	2,72%	18	2,36%	34	2,95%
before sending the 228 reasoned opinion	<b>10</b>	0,52%	4	0,52%	6	0,52%
before deciding to bring the 228 case to the E	<b>3</b>	0,16%	1	0,13%	2	0,17%
before the 228 referral to the ECJ	<b>1</b>	0,05%	0	0,00%	1	0,09%
withdrawal	<b>3</b>	0,16%	0	0,00%	3	0,26%
<b>TOTAL</b>	<b>1915</b>		<b>764</b>		<b>1151</b>	

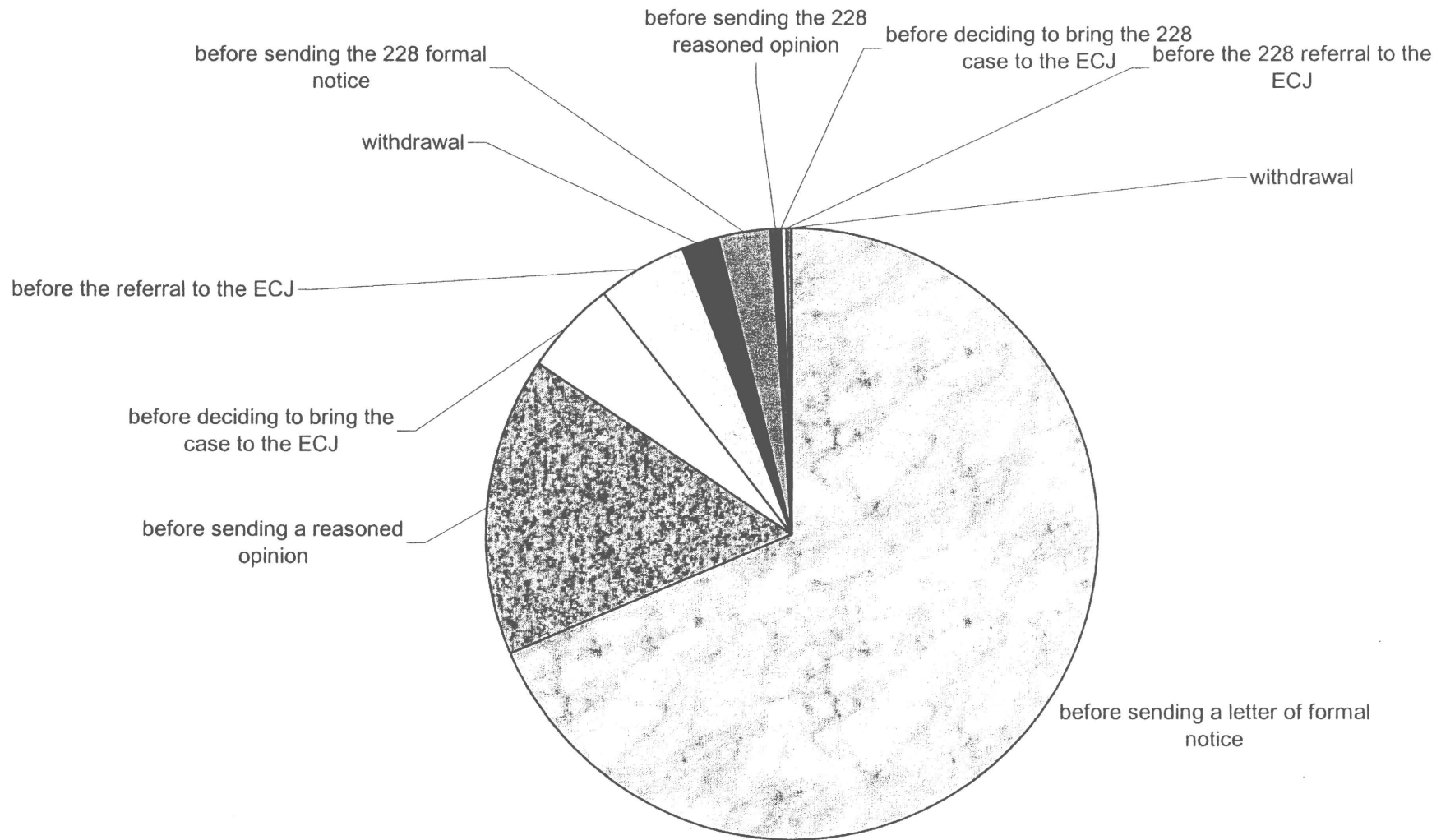
Table 2.5.1.Cases closed in 2001, by stage (graphic)



**Table 2.5.2. Cases closed in 2001, non communication, by stage (graphic)**



**Table 2.5.3. Cases closed in 2001 except non communication, by stage (graphic)**



**Table 2.6. Evolution of the closure decisions**

<b>Year</b>	<b>Total of the closure decisions</b>	<b><i>Closure of an opened infringement procedure</i></b>
<b>2001</b>	1915	1133
<b>2000</b>	1899	1165
<b>1999</b>	1900	1138
<b>1998</b>	1961	1282
<b>1997</b>	2112	1494
<b>1996</b>	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 basis: EC Treaty 157E030  
**Referral Case** C-1995/265 - Judgment given on 9/12/1997

Year/Number: 1995/4430  
Member State: FRANCE  
Title: SALE OF SPIRITS CONTAINING THE WORD "WHISKY"  
Legal basis: Regulation 31989R1576  
**Terminated** in 2001

Year/Number: 1997/2227  
Member State: SPAIN  
Title: INCORRECT APPLICATION OF MILK QUOTAS SCHEME  
Legal basis: Regulation 31992R3950;Regulation 31993R536  
**Reasoned opinion sent:** 07/05/1998 SG(1998)D/03614

Year/Number: 1997/2228  
Member State: ITALY  
Title: INCORRECT APPLICATION OF MILK QUOTAS SCHEME  
Legal basis: Regulation 31992R3950;Regulation 31993R0536  
**Supplementary 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 basis: Regulation 31992R3508  
**Referral:** Decision of 20/12/2001

Year/Number: 2001/2169  
Member State: FRANCE  
Title: REFERENCE QUANTITIES FOR BANANA IMPORTS  
Legal basis: Regulation 32001R896  
**Reasoned opinion sent:** 22/11/2001 SG(2001)D/260498

## BUDGET

Year/Number: 1995/2126  
Member State: GERMANY  
Title: DUTCH BUTTER  
Legal basis: Regulation 31990R2252;Regulation 32000R1150  
**Terminated** in 2001

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

Year/Number: 1999/2226  
Member State: SPAIN  
Title: POST-CLEARANCE RECOVERY, LATE ESTABLISHMENT OF ENTITLEMENTS (REGULATION 1552/89)  
Legal basis: Regulation 31989R1552;Regulation 32000R1150  
**Referral:** Decision of 20/12/2001

Year/Number: 1999/2227  
Member State: GERMANY  
Title: TIR - LATE ESTABLISHMENT OF ENTITLEMENTS  
Legal basis: Regulation 31989R1552;Regulation 31993R2454;Regulation 32000R1150  
**Referral:** Decision of 20/12/2001

Year/Number: 1999/2228  
Member State: GERMANY  
Title: ACCOUNTING TREATMENT OF TIR GUARANTEES  
Legal basis: Regulation 31989R1552;Regulation 32000R1150  
**Referral:** Decision of 20/12/2001

Year/Number: 2000/2115  
Member State: DENMARK  
Title: ADMINISTRATIVE ERROR; FINANCIAL ACCOUNTABILITY  
Legal basis: Regulation 31989R1552;Decision 31994D728;Regulation 32000R1150  
**Reasoned opinion sent:** 06/04/2001 SG(2001)D/287555

Year/Number: 2000/2204  
Member State: FRANCE  
Title: REFUSAL TO REIMBURSE VAT PAID BY THE COMMISSION ON PURCHASES FOR OFFICIAL PURPOSES  
Legal basis:  
**Reasoned opinion sent:** 20/04/2001 SG(2001)D/288006

### COMPETITION

Year/Number: 1989/0030  
Member State: BELGIUM  
Title: AID FOR IDEALSPUN/BEAULIEU  
Legal basis: EC Treaty 197A228;Decision 31984D0508  
**Terminated** in 2001

Year/Number: 1999/2129  
Member State: PORTUGAL  
Title: DISCOUNTS ON LANDING CHARGES AT PORTUGUESE AIRPORTS - DECISION UNDER ARTICLE 86(3)  
Legal basis: EC Treaty 197A249;Decision 31999D0199  
**Referral:** Decision of 20/12/2001

### Education and Culture

Year/Number: 1998/2308  
Member State: AUSTRIA  
Title: DISCRIMINATION IN ACCESS TO AUSTRIAN UNIVERSITIES FOR COMMUNITY STUDENTS  
Legal basis: EC Treaty 197A012;EC Treaty 197A149;EC Treaty 197A150  
**Reasoned opinion sent:** 17/01/2002 SG(2002)D/260409



Year/Number: 1999/4020  
Member State: BELGIUM  
Title: DISCRIMINATION IN ACCESS TO UNIVERSITY STUDIES FOR STUDENTS HOLDING A BACCALAURÉAT  
Legal basis: EC Treaty 197A012; EC Treaty 197A149; EC Treaty 197A150  
**Reasoned opinion sent:** 23/10/2001 SG(2001)260407

## **ECONOMIC AND FINANCIAL AFFAIRS**

Year/Number: 1994/2210  
Member State: ITALY  
Title: RESTRICTIONS CONCERNING FOREIGN INVESTMENTS IN PRIVATISED COMPANIES  
Legal basis: EC Treaty 157E052; EC Treaty 157E073; EC Treaty 197A043; EC Treaty 197A056

**Terminated** in 2001

Year/Number: 1994/5075  
Member State: BELGIUM  
Title: FREE MOVEMENT OF CAPITAL - SUBSCRIPTION TO A LOAN DENOMINATED IN DEM  
Legal basis: EC Treaty 157E073; EC Treaty 197A056; EC Treaty 197A058

**Terminated** in 2001

Year/Number: 1995/4372  
Member State: AUSTRIA  
Title: FREE MOVEMENT OF CAPITAL - RIGHT OF RESIDENCE  
Legal basis: EC Treaty 157E073; EC Treaty 197A039; EC Treaty 197A043; EC Treaty 197A048; EC Treaty 197A049; EC Treaty 197A056

**Reasoned opinion sent:** 29/05/1998 SG(1998)D/04257

Year/Number: 1995/4535  
Member State: GREECE  
Title: RESTRICTIONS ON ACQUISITION OF REAL PROPERTY  
Legal basis: EC Treaty 157E073; EC Treaty 197A049; EC Treaty 197A056

**Terminated** in 2001

Year/Number: 1998/2288  
Member State: UNITED KINGDOM  
Title: PRIVATISATION - SPECIAL SHARE IN BRITISH AIRPORTS' AUTHORITY PLC.  
Legal basis: EC Treaty 157E052; EC Treaty 157E073; EC Treaty 197A043; EC Treaty 197A056

**Referral Case C-2001/098:**

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

**Referral Case C-2000/463:**

Year/Number: 1998/4083  
Member State: FRANCE  
Title: BREACH OF PROPORTIONALITY PRINCIPLE IN APPLICATION OF A CUSTOMS PENALTY  
Legal basis: EC Treaty 157E073; EC Treaty 197A056  
**Reasoned opinion sent:** 27/07/2001 SG(2001)D/290494

Year/Number: 2000/2064  
Member State: BELGIUM  
Title: RESTRICTIONS ON INVESTMENT ACTIVITIES BY RETIREMENT PENSION SCHEMES  
Legal basis: EC Treaty 197A056  
**Reasoned opinion sent:** 31/05/2001 SG(2001)D/288850

## **EMPLOYMENT AND SOCIAL AFFAIRS**

Year/Number: 1989/0457  
Member State: BELGIUM  
Title: STUDY GRANTS - DISCRIMINATION ON THE BASIS OF NATIONALITY  
Legal basis: EC Treaty 197A039; EC Treaty 197A151  
**Terminated** in 2001

Year/Number: 1993/4738  
Member State: UNITED KINGDOM  
Title: EXPULSION OF NON-COMMUNITY SPOUSE OF A COMMUNITY WORKER  
Legal basis: EC Treaty 197A039  
**Terminated** in 2001

Year/Number: 1993/4947  
Member State: FRANCE  
Title: APPLICATION OF GENERAL SOCIAL INSURANCE CONTRIBUTION TO FRONTIER WORKERS  
Legal basis: EC Treaty 157E048; EC Treaty 157E051; Regulation 31971R1408  
**Article 228 letter sent:** 09/02/2001 SG(2001)D/286053

Year/Number: 1995/4831  
Member State: BELGIUM  
Title: SOCIAL SECURITY CHARGES ON BELGIAN PENSIONS  
Legal basis: EC Treaty 157E051; EC Treaty 157E235; Regulation 31971R1408; Judgment 61983J0275  
**Terminated** in 2001

Year/Number: 1996/2208  
Member State: ITALY  
Title: DISCRIMINATION AGAINST FOREIGN LANGUAGE ASSISTANTS  
Legal basis: EC Treaty 197A010; EC Treaty 197A039; Regulation 31968R1612  
**Referral - Case C-1999/212 - Judgment given on 26/06/2001**

Year/Number: 1996/4516  
Member State: DENMARK  
Title: FRONTIER WORKERS - RESTRICTION ON USE OF CAR, INTER ALIA FOR BUSINESS PURPOSES  
Legal basis: EC Treaty 197A039; EC Treaty 197A049; Judgment 61986J0127; Judgment 61993J0415  
**Referral:** Decision of 20/12/2001

Year/Number: 1996/4558  
Member State: FRANCE  
Title: SOCIAL CONTRIBUTION TO REIMBURSEMENT OF SOCIAL DEBT AND FRONTIER WORKERS  
Legal basis: EC Treaty 157E051; Regulation 31971R1408  
**Article 228 letter sent:** 09/02/2001 SG(2001)D/286051

Year/Number: 1997/4182  
Member State: GERMANY  
Title: CONTRIBUTION TO KÜNSTLERSOZIALVERSICHERUNG  
Legal basis: EC Treaty 157E051; EC Treaty 157E052; EC Treaty 157E059; Regulation 31971R1408

**Terminated** in 2001

Year/Number: 1996/4627  
Member State: FRANCE  
Title: PUBLIC SERVICE-TEACHING-RECOGNITION OF PRACTICAL EXPERIENCE.-NATIONALITY DISCRIMINATION  
Legal basis: EC Treaty 197A039; Regulation 31968R1612; Judgment 61996J0015; Judgment 61996J0187

**Reasoned opinion sent:** 23/04/2001 SG(2001)D/288037

Year/Number: 1997/4378  
Member State: FRANCE  
Title: AGGREGATION OF RETIREMENT PENSION  
Legal basis: EC Treaty 197A039; EC Treaty 197A042; Judgment 61992J0031; Judgment 61993J0443

**Reasoned opinion sent:** 28/01/1999 SG(1999)D/708

Year/Number: 1997/4962  
Member State: NETHERLANDS  
Title: CALCULATION OF PENSIONS BASED ON VOLUNTARY CONTRIBUTIONS  
Legal basis: EC Treaty 197A042; Regulation 31971R1408

**Reasoned opinion sent:** 03/04/2000 SG(2000)D/102765

Year/Number: 1998/2281  
Member State: AUSTRIA  
Title: FAILURE TO RECOGNISE SENIORITY IN THE PUBLIC SERVICE IN ANOTHER MEMBER STATE  
Legal basis: EC Treaty 197A039; Regulation 31968R1612; Judgment 61996J0015; Judgment 61996J0187

**Reasoned opinion sent:** 02/05/2000 SG(2000)A/05607

Year/Number: 1998/2301  
Member State: GERMANY  
Title: FAILURE TO RECOGNISE SENIORITY IN THE PUBLIC SERVICE IN ANOTHER MEMBER STATE  
Legal basis: EC Treaty 197A039; Regulation 31968R1612; Judgment 61996J0015; Judgment 61996J0187

**Reasoned opinion sent:** 10/08/1999 SG(1999)D/6515

Year/Number: 1998/2302  
Member State: BELGIUM  
Title: FAILURE TO RECOGNISE SENIORITY IN THE PUBLIC SERVICE IN ANOTHER MEMBER STATE  
Legal basis: EC Treaty 197A039; Regulation 31968R1612; Judgment 61996J0015; Judgment 61996J0187

**Reasoned opinion sent:** 28/02/2000 SG(2000)D/101871

Year/Number: 1998/2303  
Member State: IRELAND  
Title: FAILURE TO RECOGNISE SENIORITY IN THE PUBLIC SERVICE IN ANOTHER MEMBER STATE  
Legal basis: EC Treaty 197A039; Regulation 31968R1612; Judgment 61996J0015, Judgment 61996J0187  
Last Commission Decision: 20/12/2001 PV(2001)1549 **REFERRAL** - Immediate execution  
**Referral:** Decision of 20/12/2001

Year/Number: 1998/4014  
Member State: NETHERLANDS  
Title: EXPORT OF UNEMPLOYMENT BENEFITS  
Legal basis: EC Treaty 197A042; Regulation 31971R1408  
**Referral Case C-2001/311:**

Year/Number: 1998/4499  
Member State: NETHERLANDS  
Title: COST OF RESIDENCE CARD AND NEED FOR WORK PERMIT  
Legal basis:  
**Terminated** in 2001

Year/Number: 1998/4579  
Member State: LUXEMBOURG  
Title: STATUTORY ENTITLEMENT TO A GUARANTEED MINIMUM INCOME  
Legal basis: EC Treaty 157E052; Regulation 31968R1612  
**Referral Case C-2001/299:**

Year/Number: 1998/4846  
Member State: BELGIUM  
Title: PAYMENT OF FAMILY BENEFIT SUBJECT TO RESIDENCE REQUIREMENT  
Legal basis: EC Treaty 157E048; EC Treaty 157E051; Regulation 31968R1612; Regulation 31971R1408  
**Reasoned opinion sent:** 05/11/2001 SG(2001)D/260453

Year/Number: 1999/4115  
Member State: AUSTRIA  
Title: RIGHT OF NON-COMMUNITY NATIONALS TO BE ELECTED TO WORKS COUNCILS  
Legal basis: Regulation 31968R1612; Decision 31980D0001  
**Referral Case C-2001/465:**

Year/Number: 1999/4399  
Member State: FRANCE  
Title: REIMBURSEMENT OF MEDICAL EXPENSES  
Legal basis: EC Treaty 197A028; EC Treaty 197A030; Jurisprudence 61995J0120  
**Reasoned opinion sent:** 16/10/2000 SG(2000)D/107557

Year/Number: 1999/4968  
Member State: IRELAND  
Title: ACCESS TO EMPLOYMENT - PUBLIC SERVICE  
Legal basis: EC Treaty 197E039  
**Reasoned opinion sent:** 21/12/2001 SG(2001)D/260688

Year/Number: 1999/5307  
Member State: GERMANY  
Title: MINIMUM WAGE  
Legal basis:  
**Reasoned opinion sent:** 02/04/2001 SG(2001)D/287358

### ENTERPRISE

Year/Number: 1995/4580  
Member State: GREECE  
Title: PRICE OF MEDICINES  
Legal basis: EC Treaty 197A028  
**Reasoned opinion sent:** 23/09/1997 SG(1997)D/07834

Year/Number: 1998/4675  
Member State: ITALY  
Title: MUSEUM IN VENICE (DOGES' PALACE) - NATIONALITY DISCRIMINATION  
Legal basis: EC Treaty 157E006; EC Treaty 157E059; EC Treaty 197A012; EC Treaty 197A046

**Referral Case C-2001/388:**

### Environment

Year/Number: 1994/4734  
Member State: FRANCE  
Title: SHIPMENT OF HOUSEHOLD WASTE  
Legal basis: Regulation 31993R0259  
**Terminated** in 2001

Year/Number: 1997/4878  
Member State: ITALY  
Title: AIR - REG. 2037/2000, SUBSTANCES THAT DEplete THE OZONE LAYER  
Legal basis: Regulation 31994R3093; Regulation 32000R2037  
**Reasoned opinion sent:** 26/07/2001 SG(2001)D/290450

Year/Number: 1998/4423  
Member State: FRANCE  
Title: NATURE - DEC. 83/101, PROTOCOL ON PROTECTION OF MEDITERRANEAN, POLLUTION ETANG DE BERRE  
Legal basis: Decision 31983D0101  
**Referral:** Decision of 20/12/2001

Year/Number: 2000/2105  
Member State: UNITED KINGDOM  
Title: RADIATION - DISPOSAL OF RADIOACTIVE WASTE - JASON REACTOR  
Legal basis: EC Treaty A 157A37  
**Reasoned opinion sent:** 21/12/2001 SG(2001)D/260718

Year/Number: 2000/2316  
Member State: LUXEMBOURG  
Title: IMPACT - WECKER/POTACHBERG HIGH-TENSION CABLES (ART. 10 OF TREATY)  
Legal basis: EC Treaty 197A010  
**Terminated** in 2001

## FISHERIES

Year/Number: 1984/0445  
Member State: FRANCE  
Title: FISHERIES; inadequate enforcement of technical conservation measures  
Legal basis: EC Treaty 157E171; Regulation 31982R2057; Regulation 31983R0171  
**2nd Referral:** Decision of 20/12/2001:

Year/Number: 1989/2109  
Member State: PORTUGAL  
Title: FISHING VESSELS - LICENSING AND FLAG RIGHTS  
Legal basis: EC Treaty 157E007; EC Treaty 157E030; EC Treaty 157E034; EC Treaty 157E052; EC Treaty 197A012; EC Treaty 197A043

**Terminated** in 2001

Year/Number: 1990/0384  
Member State: SPAIN  
Title: CONDITIONS IMPOSED ON FISHING VESSELS  
Legal basis: EC Treaty 197A028; EC Treaty 197A029  
**Reasoned opinion sent:** 05/04/2000 SG(2000)D/102880

Year/Number: 1990/0418  
Member State: FRANCE  
Title: FAILURE TO INSPECT - OVERFISHING 1988  
Legal basis: Regulation 31983R0170; Regulation 31987R2241; Regulation 31987R3977  
**Referral** - Case C-1999/333 - Judgment given on 01/02/2001

Year/Number: 1992/2256  
Member State: SPAIN  
Title: FAILURE TO INSPECT  
Legal basis: Regulation 31983R0170; Regulation 31987R2241; Regulation 31989R4047  
**Reasoned opinion sent:** 08/07/1997 SG(1997)D/05307

Year/Number: 1992/4211  
Member State: UNITED KINGDOM  
Title: GRANT OF FISHING QUOTAS IN 1992  
Legal basis: EC Treaty 157E007; EC Treaty 157E052; EC Treaty 197A012; EC Treaty 197A043; EC Treaty 197A228; Regulation 31983R0173

**Terminated** in 2001

Year/Number: 1993/2219  
Member State: DENMARK  
Title: FAILURE TO INSPECT (1990)  
Legal basis: Regulation 31983R0170; Regulation 31987R2241; Regulation 31989R4047  
**Referral:** Decision of 20/12/2001

Year/Number: 1998/2255  
Member State: BELGIUM  
Title: FAILURE TO INSPECT - OVERFISHING 1995 AND 1996  
Legal basis: Regulation 31983R2807; Regulation 31993R2847; Regulation 31994R3364; Regulation 31995R3074  
**Reasoned opinion sent:** 31/07/2001 SG(2001)D/290613

Year/Number: 1998/2258  
 Member State: PORTUGAL  
 Title: FAILURE TO INSPECT - OVERFISHING 1995 AND 1996  
 Legal basis: Regulation 31983R2807; Regulation 31993R2847; Regulation 31994R3364; Regulation 31995R3074  
**Reasoned opinion sent:** 05/11/2001 SG(2001)D/260455

Year/Number: 1998/2260  
 Member State: FINLAND  
 Title: FAILURE TO INSPECT - OVERFISHING 1995 AND 1996  
 Legal basis: Regulation 31983R2807; Regulation 31993R2847; Regulation 31994R3362; Regulation 31994R3366; Regulation 31994R3370; Regulation 31995R3074  
**Reasoned opinion sent:** 29/12/2000 SG(2000)D/109694

Year/Number: 1998/2261  
 Member State: IRELAND  
 Title: FAILURE TO INSPECT - OVERFISHING 1995 AND 1996  
 Legal basis: Regulation 31983R2807; Regulation 31993R2847; Regulation 31994R3362; Regulation 31995R3074  
**Reasoned opinion sent:** 12/03/2001 SG(2001)D/286715

Year/Number: 1998/2262  
 Member State: SWEDEN  
 Title: FAILURE TO INSPECT - OVERFISHING 1995 AND 1996  
 Legal basis: Regulation 31983R2807; Regulation 31993R2847; Regulation 31994R3364; Regulation 31995R3074  
**Reasoned opinion sent:** 20/02/2001 SG(2001)D/286311

Year/Number: 1998/2264  
 Member State: DENMARK  
 Title: FAILURE TO INSPECT - OVERFISHING 1995 AND 1996  
 Legal basis: Regulation 31983R2807; Regulation 31993R2847; Regulation 31994R3362; Regulation 31995R3074  
**Referral:** Decision of 20/12/2001

Year/Number: 1999/2279  
 Member State: IRELAND  
 Title: FAILURE TO COMPLY WITH DEADLINES FOR IMPLEMENTATION OF SATELLITE-BASED VESSEL MONITORING SYSTEM (VMS)  
 Legal basis: Regulation 31993R2847  
**Terminated** in 2001

Year/Number: 1999/2284  
 Member State: SPAIN  
 Title: FAILURE TO INSPECT - OVERFISHING 1997  
 Legal basis: Regulation 31992R3760; Regulation 31993R2847; Regulation 31997R406  
**Reasoned opinion sent:** 13/11/2001 SG(2001)D/260473

Year/Number: 2000/2048  
 Member State: ITALY  
 Title: FAILURE TO COMPLY WITH DEADLINES FOR IMPLEMENTATION OF VMS  
 Legal basis: Regulation 32847R1993  
**Reasoned opinion sent:** 05/02/2001 SG(2001)D/285887

Year/Number: 2000/2049  
Member State: GREECE  
Title: FAILURE TO COMPLY WITH DEADLINES FOR IMPLEMENTATION OF VMS  
Legal basis: Regulation 32847R1993  
**Reasoned opinion sent:** 05/02/2001 SG(2001)D/285889

## JUSTICE AND HOME AFFAIRS

Year/Number: 1996/2033  
Member State: FINLAND  
Title: ACCESS TO CERTAIN AREAS OF FINNISH TERRITORY - AUTHORISATION  
REQUIRED FOR FOREIGNERS  
Legal basis: EC Treaty 197A012;EC Treaty 197A018  
**Terminated** in 2001

## Internal market

Year/Number: 2000/4366  
Member State: GREECE  
Title: DEH - FRAMEWORK AGREEMENT DEP 490  
Legal basis: EC Treaty 197A012;EC Treaty 197A049  
**Terminated** in 2001

Year/Number: 1991/0555  
Member State: FRANCE  
Title: REQUIREMENT OF A HALLMARK ON IMPORTED OBJECTS OF PRECIOUS  
METALS  
Legal basis: EC Treaty 197A028  
**Referral** - Case C-2000/084 - Judgment given on 14/06/2001

Year/Number: 1992/2085  
Member State: IRELAND  
Title: IMPORTS OF OBJECTS OF PRECIOUS METALS  
Legal basis: EC Treaty 197A028  
**Referral** - Case C-1999/030 - Judgment given on 21/06/2001

Year/Number: 1992/2222  
Member State: GREECE  
Title: STORAGE AND MARKETING OF PETROLEUM PRODUCTS  
Legal basis: EC Treaty 197A028  
**Referral** - Case C-1998/398 - Judgment given on 25/10/2001

Year/Number: 1993/2222  
Member State: FRANCE  
Title: PREPARATIONS BASED ON FOIE GRAS  
Legal basis: EC Treaty 197A028;EC Treaty 197A030  
**Terminated** in 2001

Year/Number: 1994/2150  
Member State: FRANCE  
Title: ENZYMATIC PREPARATIONS IN CERTAIN FOODSTUFFS AND  
BEVERAGES FOR HUMAN CONSUMPTION  
Legal basis: EC Treaty 197A028;EC Treaty 197A030  
**Reasoned opinion sent:** 15/05/1998 SG(1998)D/03853



Year/Number: 1994/2201  
 Member State: FRANCE  
 Title: PUBLIC HEALTH - REGISTRATION OF REACTIVE AGENTS  
 Legal basis: EC Treaty 197A028;EC Treaty 197A030  
**Terminated** in 2001

Year/Number: 1994/4075  
 Member State: NETHERLANDS  
 Title: REFUSAL OF AUTHORISATION TO IMPORT FOODSTUFFS ENRICHED WITH VITAMINS AND IRON  
 Legal basis: EC Treaty 197A028;EC Treaty 197A030  
**Referral:** Decision of 20/12/2001

Year/Number: 1994/4883  
 Member State: ITALY  
 Title: BARRIERS TO IMPORT OF NON-ALCOHOLIC DRINKS  
 Legal basis: EC Treaty 197A028;EC Treaty 197A030  
**Referral** Case C-2001/420:

Year/Number: 1994/5125  
 Member State: NETHERLANDS  
 Title: BARRIERS TO IMPORT OF FOODSTUFFS CONTAINING VITAMINS  
 Legal basis: EC Treaty 197A028;EC Treaty 197A030  
**Referral:** Decision of 20/12/2001

Year/Number: 1995/2037  
 Member State: BELGIUM  
 Title: LABELLING OF FOODSTUFFS  
 Legal basis: EC Treaty 197A028  
**Terminated** in 2001

Year/Number: 1995/2175  
 Member State: FRANCE  
 Title: RUBBER MATERIALS AND OBJECTS IN CONTACT WITH FOODSTUFFS  
 Legal basis: EC Treaty 197A028  
**Terminated** in 2001

Year/Number: 1995/2176  
 Member State: FRANCE  
 Title: TECHNOLOGICAL AUXILIARIES USED IN PREPARING FOODSTUFFS  
 Legal basis: EC Treaty 197A028  
**Reasoned opinion sent:** 27/03/1998 SG(1998)D/02456

Year/Number: 1995/2283  
 Member State: SPAIN  
 Title: LEGISLATION ON FAIRS AND EXHIBITIONS - EXTREMADURA  
 Legal basis: EC Treaty 197A028;EC Treaty 197A049  
**Terminated** in 2001

Year/Number: 1996/4208  
 Member State: FRANCE  
 Title: ENERGY DRINKS  
 Legal basis: 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 basis: EC Treaty 197A028  
**Supplementary reasoned opinion sent:** 26/07/2001 SG(2001)D/290372

Year/Number: 1996/4808  
Member State: BELGIUM  
Title: PARALLEL IMPORTS OF PHARMACEUTICAL PRODUCTS  
Legal basis: EC Treaty 197A028  
**Terminated in 2001**

Year/Number: 1997/2060  
Member State: NETHERLANDS  
Title: RULES ON THE ADDITION OF MICRO-FOODS TO FOODSTUFFS  
Legal basis: EC Treaty 197A028  
**Referral:** Decision of 20/12/2001

Year/Number: 1997/2261  
Member State: GREECE  
Title: LABELLING OF NON-ALCOHOLIC DRINKS (RECOMMENDED RETAIL PRICE)  
Legal basis: EC Treaty 197A028  
**Reasoned opinion sent:** 28/04/1999 SG(1999)D/02845

Year/Number: 1997/4118  
Member State: BELGIUM  
Title: BARRIERS TO MARKETING OF MEDICAL APPLIANCES FOR THE DISABLED  
Legal basis: EC Treaty 197A028  
**Terminated in 2001**

Year/Number: 1997/4239  
Member State: FRANCE  
Title: SEIZURE OF SPARE PARTS IN TRANSIT - PROTECTION OF DESIGNS - COUNTERFEITING  
Legal basis: EC Treaty 197A028  
**Article 228 letter sent:** 21/12/2001 SG(2001)D/260502

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

Year/Number: 1997/4419  
Member State: FRANCE  
Title: BARRIERS TO MARKETING OF SWIMMING-POOL TREATMENT PRODUCTS  
Legal basis: EC Treaty 197A028  
**Reasoned opinion sent:** 23/11/1998 SG598)D/10966

Year/Number: 1997/4579  
 Member State: ITALY  
 Title: BARRIERS TO IMPORTS OF SPECIAL FOODSTUFFS FOR SPORTSMEN  
 Legal basis: EC Treaty 197A028;EC Treaty 197A030  
**Referral (Decision)**

Year/Number: 1998/2199  
 Member State: GERMANY  
 Title: AUTHORISATION PROCEDURE FOR FOOD SUPPLEMENTS  
 Legal basis: EC Treaty 197A028  
**Terminated** in 2001

Year/Number: 1998/4032  
 Member State: FRANCE  
 Title: BARRIERS TO IMPORTS OF PHARMACEUTICAL PRODUCTS  
 Legal basis: EC Treaty 197A028  
**Reasoned opinion sent:** 26/01/2000 SG(2000)D/100918

Year/Number: 1998/4387  
 Member State: SPAIN  
 Title: BAN ON REGISTERING AND DRIVING A MOTORCYCLE WITH TRAILER  
 Legal basis: EC Treaty 157E030;EC Treaty 197A018;EC Treaty 197A028;EC Treaty 197A049  
**Reasoned opinion sent:** 17/02/2000 SG(2000)D/101586

Year/Number: 1998/4977  
 Member State: NETHERLANDS  
 Title: PARALLEL IMPORTS OF PLANT-HEALTH PRODUCTS ART.30 TO 36 EEC  
 Legal basis: EC Treaty 197A028  
**Terminated** in 2001

Year/Number: 1998/4978  
 Member State: FRANCE  
 Title: IMPORTS OF PLANT PROTECTION PRODUCTS  
 Legal basis: EC Treaty 197A028  
**Terminated** in 2001

Year/Number: 1998/5023  
 Member State: UNITED KINGDOM  
 Title: DEADLINE FOR PARALLEL IMPORTS OF PESTICIDES  
 Legal basis: EC Treaty 197A028  
**Reasoned opinion sent:** 23/10/2001 SG(2001)260341

Year/Number: 1998/5024  
 Member State: GREECE  
 Title: BAN ON MARKETING OF HEMP PRODUCTS (CLOTHING, SHOES, JEWELLERY)  
 Legal basis: EC Treaty 197A028  
**Terminated** in 2001

Year/Number: 1998/5043  
Member State: FRANCE  
Title: IMPORTS OF HOMEOPATHIC MEDICINES FOR PERSONAL USE  
Legal basis: EC Treaty 197A028  
**Reasoned opinion sent:** 23/10/2001 SG(2001)260325

Year/Number: 1998/5128  
Member State: AUSTRIA  
Title: IMPORTS OF MEDICINES  
Legal basis: EC Treaty 197A028  
**Reasoned opinion sent:** 22/10/1999 SG(99)D/08409

Year/Number: 1998/5130  
Member State: AUSTRIA  
Title: RULES CONCERNING ROAD SIGNS  
Legal basis: EC Treaty 197A028  
**Reasoned opinion sent:** 24/01/2000 SG(2000)D/100732

Year/Number: 1999/4016  
Member State: DENMARK  
Title: BARRIERS TO MARKETING OF A VITAMIN-ENRICHED DRINK  
Legal basis: EC Treaty 157E030  
**Referral Case C-2001/192:**

Year/Number: 1999/4017  
Member State: IRELAND  
Title: PARALLEL IMPORTS OF MEDICINES  
Legal basis: EC Treaty 197A028  
**Reasoned opinion sent:** 24/01/2001 SG(2001)D/285417

Year/Number: 1999/4056  
Member State: FRANCE  
Title: IMPORT OF MEDICINES - COPY OF MARKETING AUTHORISATION  
Legal basis: EC Treaty 197A028  
**Reasoned opinion sent:** 29/12/2000 SG(2000)D/109668

Year/Number: 1999/4060  
Member State: FRANCE  
Title: IMPORT OF CAMPER VAN - CERTIFICATE OF CONFORMITY  
Legal basis: EC Treaty 197A028  
**Terminated** in 2001

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

Year/Number: 1999/4321  
Member State: AUSTRIA  
Title: IMPORTS OF MEDICINES  
Legal basis: EC Treaty 197A028  
**Reasoned opinion sent:** 13/06/2000 SG(2000)D/104140

Year/Number: 1999/4426  
 Member State: SWEDEN  
 Title: PARALLEL IMPORTS OF MEDICINES  
 Legal basis: 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 basis: EC Treaty 197A028  
**Reasoned opinion sent:** 19/09/2001 SG(2001)D/291489

Year/Number: 1999/4675  
 Member State: BELGIUM  
 Title: REIMBURSEMENT OF EXPENSES ON MEDICAL APPLIANCES  
 Legal basis: EC Treaty 197A028  
**Reasoned opinion sent:** 08/11/2000 SG(2000)D/108185

Year/Number: 1999/4826  
 Member State: FINLAND  
 Title: "PLUS TABS" VITAMIN SUPPLEMENTS  
 Legal basis: EC Treaty 197A028  
**Reasoned opinion sent:** 08/11/2000 SG(2000)D/108187

Year/Number: 1999/5021  
 Member State: GREECE  
 Title: MEDICAL DEVICES  
 Legal basis: EC Treaty 197A028  
**Reasoned opinion sent::** 07/03/2001 SG(2001)D/286633

Year/Number: 1999/5257  
 Member State: FRANCE  
 Title: REGISTRATION - RECOGNITION OF EC CERTIFICATE OF CONFORMITY  
 Legal basis: 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 basis: EC Treaty 197A028  
**Reasoned opinion sent:** 23/10/2001 SG(2001)260356

Year/Number: 2000/2230  
 Member State: SPAIN  
 Title: "LIGHT TUNA" - NO MUTUAL RECOGNITION CLAUSE  
 Legal basis: EC Treaty A 157A028  
**Reasoned opinion sent:** 16/05/2001 SG(2001)D/288563

Year/Number: 2000/4091  
 Member State: LUXEMBOURG  
 Title: GENERAL PRICE REGULATIONS  
 Legal basis: EC Treaty 197A028  
**Reasoned opinion sent:** 21/12/2001 SG(2001)D/260698

Year/Number: 2000/4397  
Member State: PORTUGAL  
Title: TYPE-APPROVAL OF DOMESTIC WATER WASTE PIPES - FAILURE TO RECOGNISE CERTIFICATES ISSUED IN D  
Legal basis: EC Treaty A 157A028  
**Reasoned opinion sent:** 16/05/2001 SG(2001)D/288565

Year/Number: 1990/0388  
Member State: SPAIN  
Title: RESTRICTIONS ON FREEDOM TO PROVIDE SERVICES AS TOURIST GUIDES  
Legal basis: EC Treaty 197A010; EC Treaty 197A039; EC Treaty 197A043; EC Treaty 197A049

**Referral** - Case C-1992/375, Judgment given on 22/03/1994

Year/Number: 1993/4448  
Member State: FRANCE  
Title: AUCTION SALES - MONOPOLY OF AUCTIONEERS  
Legal basis: EC Treaty 197A049  
**Terminated** in 2001

Year/Number: 1993/4893  
Member State: GERMANY  
Title: RECOGNITION OF A BRITISH QUALIFICATION IN BADEN-WÜRTTEMBERG  
Legal basis: EC Treaty 197A010; EC Treaty 197A039; EC Treaty 197A043; EC Treaty 197A049  
**Reasoned opinion sent:** 30/01/2001 SG(2001)D/285586

Year/Number: 1995/4302  
Member State: BELGIUM  
Title: REFUSED ENTRY TO THE ORDER OF ARCHITECTS AT LIEGE  
Legal basis: EC Treaty 197A043; EC Treaty 197A047  
**Referral:** Decision of 20/12/2001

Year/Number: 1996/4407  
Member State: GERMANY  
Title: AUTHORISATION FOR USE OF ACADEMIC TITLES OBTAINED IN OTHER MEMBER STATES  
Legal basis: EC Treaty 197A039; EC Treaty 197A043  
**Reasoned opinion sent:** 29/12/2000 SG(2000)D/109658

Year/Number: 1997/4569  
Member State: GREECE  
Title: BAN ON OWNERSHIP OF OPTICIANS' SUPPLIES SHOPS BY COMPANIES  
Legal basis: EC Treaty 197A043  
**Reasoned opinion sent:** 24/01/2001 SG(2001)D/285378

Year/Number: 1998/4293  
Member State: AUSTRIA  
Title: FREEDOM OF ESTABLISHMENT FOR MEDICAL SPECIALISTS  
Legal basis: EC Treaty 197A039; EC Treaty 197A043  
**Reasoned opinion sent:** 27/12/1999 SG(1999)D/10867

Year/Number: 1998/5041  
Member State: FRANCE  
Title: APPLICATION FOR RECOGNITION OF AN ITALIAN PHARMACOLOGICAL QUALIFICATION  
Legal basis: EC Treaty 197A043  
**Reasoned opinion sent:** 24/01/2001 SG(2001)D/285366

Year/Number: 1999/4512  
Member State: GERMANY  
Title: SOCIAL SECURITY SCHEME/MEDICAL PROFESSION  
Legal basis: EC Treaty 197A043  
**Reasoned opinion sent:** 21/12/2001 SG52001)D/260700

Year/Number: 1994/2146  
Member State: ITALY  
Title: LEGISLATIVE BARRIERS TO FREEDOM TO PROVIDE CLEANING SERVICES  
Legal basis: EC Treaty 197A049  
**Terminated** in 2001

Year/Number: 1994/4441  
Member State: FRANCE  
Title: ANTI-COMPETITIVE PRACTICES - UNDERWATER WORKS  
Legal basis: EC Treaty 197A010; EC Treaty 197A039; EC Treaty 197A043; EC Treaty 197A049  
**Terminated** in 2001

Year/Number: 1992/4643  
Member State: GERMANY  
Title: REQUIREMENT TO SET UP BRANCH IN GERMANY  
Legal basis: 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 basis: EC Treaty 197A010; EC Treaty 197A039; EC Treaty 197A043; EC Treaty 197A049  
**Referral** - Case C-1999/263, Judgment given on 29/05/2001

Year/Number: 1994/4337  
Member State: GERMANY  
Title: PROHIBITION OF ADVERTISING CAMPAIGN FOR CDs  
Legal basis: EC Treaty 197A028; EC Treaty 197A030; EC Treaty 197A049  
**Terminated** in 2001

Year/Number: 1994/4855  
Member State: FRANCE  
Title: INCORRECT APPLICATION OF EVIN ACT  
Legal basis: EC Treaty 197A049  
**Referral:** Decision of 20/12/2001

Year/Number: 1994/4903  
Member State: BELGIUM  
Title: OBLIGATION TO PAY ANNUITIES ON BELGIAN PATENTS VIA A BELGIAN AGENT  
Legal basis: EC Treaty 197A043; EC Treaty 197A049  
**Reasoned opinion sent:** 29/11/2000 SG(2000)D/108823

Year/Number: 1995/2068  
Member State: ITALY  
Title: RESTRICTIONS IN THE FIELD OF PRIVATE SECURITY FIRMS  
Legal basis: EC Treaty 197A010; EC Treaty 197A039; EC Treaty 197A043; EC Treaty 197A049  
**Referral** - Case C-1999/283, Judgment given on 31/05/2001

Year/Number: 1995/2105  
Member State: BELGIUM  
Title: RESTRICTIONS IN THE FIELD OF PRIVATE SECURITY FIRMS  
Legal basis: EC Treaty 197A010; EC Treaty 197A039; EC Treaty 197A043; EC Treaty 197A049

**Article 228 letter sent:** 15/09/2000 SG(2000)D/106741

Year/Number: 1995/4563  
Member State: GERMANY  
Title: NON-COMMUNITY NATIONALS - RESTRICTIONS ON FREEDOM TO PROVIDE SERVICES  
Legal basis: EC Treaty 197A049

**Reasoned opinion sent:** 07/08/1998 SG(1998)D/06915

Year/Number: 1995/4687  
Member State: BELGIUM  
Title: NON-COMMUNITY WORKERS - REGISTRATION AS A FIRM  
Legal basis: EC Treaty 197A049

**Reasoned opinion sent:** 09/09/1998 SG(1998)D/07562

Year/Number: 1996/2246  
Member State: ITALY  
Title: LEGISLATIVE BARRIERS TO BUSINESS AS CUSTOMS AGENTS  
Legal basis: EC Treaty 197A049

**Article 228 letter sent:** 21/12/2001 SG(2001)D/260665

Year/Number: 1997/4388  
Member State: BELGIUM  
Title: CUSTOMER LOYALTY SCHEME  
Legal basis: EC Treaty 197A049

**Reasoned opinion sent:** 01/08/2000 SG(2000)D/105662

Year/Number: 1997/4533  
Member State: LUXEMBOURG  
Title: RESIDENCE REQUIREMENT FOR PATENT AGENTS  
Legal basis: EC Treaty 197A43; EC Treaty 197A49

**Referral Case C-2001/478:**

Year/Number: 1997/4642  
Member State: GERMANY  
Title: PROVISION OF SERVICES AND POSTING OF WORKERS  
Legal basis: EC Treaty 197A049

**Reasoned opinion sent:** 25/07/2001 SG(2001)D/290290

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

Legal basis: 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 THE FREEDOM TO PROVIDE SERVICES - FOREIGN PATENT AGENTS

Legal basis: EC Treaty 197049

**Referral Case C-2001/150:**



Year/Number: 1998/2006  
Member State: GERMANY  
Title: OBSTACLES TO FREEDOM TO PROVIDE SERVICES AND FREEDOM OF ESTABLISHMENT - FOREIGN PATENT AGENTS  
Legal basis: EC Treaty 197043;EC Treaty 197049  
**Referral:** Decision of 20/12/2001

Year/Number: 1998/2011  
Member State: FRANCE  
Title: ACTIVITIES OF PERFORMERS' AGENTS  
Legal basis: EC Treaty 197A043;EC Treaty 197A049  
**Reasoned opinion sent:** 26/01/2000 SG(2000)D/100908

Year/Number: 1998/2038  
Member State: PORTUGAL  
Title: OBSTACLES TO FREEDOM TO PROVIDE SERVICES - FOREIGN PATENT AGENTS  
Legal basis: EC Treaty 197A049  
**Terminated** in 2001

Year/Number: 1998/2040  
Member State: IRELAND  
Title: OBSTACLES TO FREEDOM TO PROVIDE SERVICES - FOREIGN PATENT AGENTS  
Legal basis: EC Treaty 197A049  
**Referral:** Decision of 20/12/2001

Year/Number: 1998/2055  
Member State: ITALY  
Title: OBSTACLES TO FREEDOM TO PROVIDE SERVICES - FOREIGN PATENT AGENTS  
Legal basis: Article 1970049 A  
**Referral** Case C-2001/131:

Year/Number: 1998/4047  
Member State: FRANCE  
Title: OBSTACLE TO MARKETING OF CATALOGUES FOR PUBLIC AUCTIONS  
Legal basis: EC Treaty 197A028  
**Terminated** in 2001

Year/Number: 1998/4137  
Member State: BELGIUM  
Title: LOCAL TAX ON SATELLITE DISHES  
Legal basis: EC Treaty 197A049  
**Reasoned opinion sent:** 26/05/1999 SG(1999)D/03803

Year/Number: 1998/5097  
Member State: FRANCE  
Title: CONDITIONS OF ESTABLISHMENT FOR CROSS-BORDER ACTIVITIES OF A LABORATORY  
Legal basis: EC Treaty 197A043;EC Treaty 197A049;EC Treaty 197A10  
**Referral** Case C-2001/496:

Year/Number: 1999/4064  
Member State: AUSTRIA  
Title: PRINCIPLE OF EQUALITY IN HOSPITAL TREATMENT  
Legal basis: EC Treaty 197A039; EC Treaty 197A049; EC Treaty 197A050; EC Treaty 197A06  
**Referral:** Decision of 20/12/2001

Year/Number: 1999/4511  
Member State: FRANCE  
Title: COAL MINING CONCESSION  
Legal basis: EC Treaty 197A043  
**Reasoned opinion sent:** 03/10/2001 SG(2001)D/260280

Year/Number: 1999/4615  
Member State: ITALY  
Title: PARTICIPATION OF ENGINEERING CONSULTANCY FIRMS IN CERTAIN CATEGORIES OF TENDERING PROCEDURE  
Legal basis: EC Treaty 197049  
**Reasoned opinion sent:** 30/04/2001 SG(2001)D/288216

Year/Number: 1998/4114  
Member State: GERMANY  
Title: FREEDOM OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES  
Legal basis: EC Treaty 197A043; EC Treaty 197A049  
**Reasoned opinion sent:** 12/09/2000 SG(2000)D/106692

Year/Number: 1999/4238  
Member State: AUSTRIA  
Title: COLLECTIVE INVESTMENT UNDERTAKINGS - SECURITIES  
Legal basis: EC Treaty 197A049; EC Treaty 197A056  
**Reasoned opinion sent:** 08/11/2000 SG(2000)D/108191

## **HEALTH AND CONSUMER PROTECTION**

Year/Number: 1997/2117  
Member State: SPAIN  
Title: ESB REGULATION  
Legal basis: EC Treaty 157E005; Decision 31992D0562; Decision 31994D0381; Decision 31994D0382; Decision 31996D0449

**Terminated** in 2001

## **TAXATION AND CUSTOMS UNION DG**

Year/Number: 1984/0342  
Member State: BELGIUM  
Title: DUTY-FREE IMPORTS OF NON-MILITARY EQUIPMENT  
Legal basis: EC Treaty 197A026; Regulation 31987R2658; Regulation 31992R2913  
**Reasoned opinion sent:** 25/07/1985 SG(1985)D/9543

Year/Number: 1984/0343  
Member State: DENMARK  
Title: DUTY-FREE IMPORTS OF NON-MILITARY EQUIPMENT  
Legal basis: EC Treaty 197A026;Regulation 31987R2658;Regulation 31992R2913  
**Reasoned opinion sent:** 25/07/1985 SG(1985)D/9545

Year/Number: 1984/0344  
Member State: UNITED KINGDOM  
Title: DUTY-FREE IMPORTS OF NON-MILITARY EQUIPMENT  
Legal basis: EC Treaty 197A026;Regulation 31987R2658;Regulation 31992R2913  
**Reasoned opinion sent:** 25/07/1985 SG(1985)D/9547

Year/Number: 1984/0345  
Member State: ITALY  
Title: DUTY-FREE IMPORTS OF NON-MILITARY EQUIPMENT  
Legal basis: EC Treaty 197A026;Regulation 31987R2658;Regulation 31992R2913  
**Reasoned opinion sent:** 25/07/1985 SG(1985)D/9549

Year/Number: 1984/0346  
Member State: LUXEMBOURG  
Title: DUTY-FREE IMPORTS OF NON-MILITARY EQUIPMENT  
Legal basis: EC Treaty 197A026;Regulation 31987R2658;Regulation 31992R2913  
**Reasoned opinion sent:** 25/07/1985 SG(1985)D/9551

Year/Number: 1984/0347  
Member State: NETHERLANDS  
Title: DUTY-FREE IMPORTS OF NON-MILITARY EQUIPMENT  
Legal basis: EC Treaty 197A026;Regulation 31987R2658;Regulation 31992R2913  
**Reasoned opinion sent:** 25/07/1985 SG(1985)D/9553

Year/Number: 1986/0126  
Member State: GREECE  
Title: DUTY-FREE IMPORTS OF NON-MILITARY EQUIPMENT  
Legal basis: EC Treaty 197A026;Regulation 31987R2658;Regulation 31992R2913  
**Reasoned opinion sent:** 02/05/1990 SG(1990)D/21649

Year/Number: 1990/0078  
Member State: SPAIN  
Title: DUTY-FREE IMPORTS OF NON-MILITARY EQUIPMENT  
Legal basis: EC Treaty 197A026;Regulation 31987R2658;Regulation 31992R2913  
**Reasoned opinion sent:** 31/12/1992 SG(1992)D/19475

Year/Number: 1990/0079  
Member State: PORTUGAL  
Title: DUTY-FREE IMPORTS OF NON-MILITARY EQUIPMENT  
Legal basis: EC Treaty 197A026;Regulation 31987R2658;Regulation 31992R2913  
**Reasoned opinion sent:** 20/01/1993 SG(1993)D/00940

Year/Number: 1995/2238  
Member State: FRANCE  
Title: CUSTOMS AGENCIES  
Legal basis: Regulation 31992R2913  
**Terminated** in 2001

Year/Number: 1998/4667  
Member State: GREECE  
Title: CHARGE FOR AUTHENTICATING INVOICES FOR THE IMPORT OF EC PHARMACEUTICAL PRODUCTS  
Legal basis: EC Treaty 197A025  
**Referral** - sursis: Decision of 20/12/2001

Year/Number: 1999/2025  
Member State: SPAIN  
Title: CUSTOMS - TIME-LIMITS FOR RECOVERING DEBTS  
Legal basis: Regulation 31992R2913  
**Referral**: Decision of 20/12/2001

Year/Number: 2000/2009  
Member State: FRANCE  
Title: PILOTS OF LIGHT AIRCRAFT - OBLIGATION TO LAND AT AN AIRPORT WITH A CUSTOMS OFFICE  
Legal basis: EC Treaty 197A023;EC Treaty 197A025;Regulation 31991R3925  
**Reasoned opinion sent**: 26/07/2001 SG(2001)D/290382

Year/Number: 2000/4421  
Member State: GREECE  
Title: TAXES ON ENTRY OF PLEASURE VESSELS IN GREEK WATERS  
Legal basis: EC Treaty 197A023;EC Treaty 197A025;EC Treaty 197A090;EC Treaty 197A133  
**Reasoned opinion sent**: 26/07/2001 SG(2001)D/290376

Year/Number: 1991/0779  
Member State: GREECE  
Title: TAXES ON SECOND-HAND CARS  
Legal basis: EC Treaty 197A090  
**Reasoned opinion 228 sent**: 18/09/2000 SG(2000)D/106783

Year/Number: 1992/5125  
Member State: FRANCE  
Title: DISCRIMINATORY TAXATION OF VEHICLES  
Legal basis: EC Treaty 197A090  
**Terminated** in 2001

Year/Number: 1995/4988  
Member State: AUSTRIA  
Title: CAR REGISTRATION TAX - DIFFERENTIAL TREATMENT OF CARS FROM OTHER MEMBER STATES  
Legal basis: EC Treaty 197A090  
**Referral**: Decision of 20/12/2001

Year/Number: 1996/2244  
Member State: PORTUGAL  
Title: TAXATION OF SECOND-HAND VEHICLES  
Legal basis: EC Treaty 197A028  
**Reasoned opinion sent**: 09/11/1999 SG(1999)D/08917

Year/Number: 1996/4748  
Member State: PORTUGAL  
Title: MOTOR VEHICLE TAX DISCRIMINATION  
Legal basis: EC Treaty 197A090  
**Referral - sursis:** Decision of 20/12/2001

Year/Number: 1997/4309  
Member State: FRANCE  
Title: TAX ON RENDERING AND COLLECTION OF ABATTOIR WASTE  
Legal basis: EC Treaty 197A090  
**Reasoned opinion sent:** 18/09/2000 SG(2000)D/106791

Year/Number: 1997/4487  
Member State: FRANCE  
Title: TAXES ON IMPORTED HIGH-POWER CARS  
Legal basis: EC Treaty 197A090  
**Terminated** in 2001

Year/Number: 1999/4452  
Member State: SWEDEN  
Title: DISCRIMINATORY TAXATION OF WINE IN COMPARISON WITH BEER  
Legal basis: EC Treaty 197A090  
**Reasoned opinion sent:** 19/06/2001 SG(2001)D/289253

Year/Number: 1997/4237  
Member State: BELGIUM  
Title: WITHHOLDING TAX AND JOINT LIABILITY FOR FOREIGN SERVICE PROVIDERS  
Legal basis: EC Treaty 197A049  
**Reasoned opinion sent:** 23/10/2001 SG(2001)260408

Year/Number: 1997/4448  
Member State: SPAIN  
Title: DEPRECIATION OF PROFITS FROM SHARES ACQUIRED FOLLOWING COMPANY MERGERS  
Legal basis: EC Treaty 197A043; EC Treaty 197A056  
**Terminated** in 2001

Year/Number: 1999/4835  
Member State: FRANCE  
Title: FREEDOM TO PROVIDE SERVICES - COMMUNITY INSURERS  
Legal basis: EC Treaty 197A049  
**Reasoned opinion sent:** 26/07/2001 SG(2001)D/290383

## **ENERGY AND TRANSPORT**

Year/Number: 1999/2219  
Member State: ITALY  
Title: Non-execution of judgment of 29 January 1998 (Case C-280/95) as regards state aid  
Legal basis: EC Treaty 197228  
**Reasoned opinion 228 sent:** 24/07/2001 SG(2001)D/290113

**Year/Number:** 1992/2219  
**Member State:** GERMANY  
**Title:** BILATERAL AGREEMENTS WITH NON-COMMUNITY COUNTRIES - INLAND WATERWAY TRANSPORT  
**Legal basis:** EC Treaty 197A10; EC Treaty 197A133; EC Treaty 197A71  
**Referral - sursis:** Decision of 18/07/2001

**Year/Number:** 1994/2267  
**Member State:** LUXEMBOURG  
**Title:** BILATERAL AGREEMENTS ON INLAND WATERWAY TRANSPORT  
**Legal basis:** EC Treaty 197A10  
**Referral - sursis:** Decision of 18/07/20011

**Year/Number:** 1993/4037  
**Member State:** GREECE  
**Title:** AIRPORT TAXES  
**Legal basis:** EC Treaty 197A49; Regulation 31992R2408  
**Terminated** in 2001

**Year/Number:** 1996/2162  
**Member State:** ITALY  
**Title:** DISCRIMINATORY AIR DEPARTURE TAXES  
**Legal basis:** Regulation 31992R2408  
**Referral - Case C-1999/447,** Judgment given on 4/07/2001

**Year/Number:** 1996/2163  
**Member State:** SPAIN  
**Title:** DISCRIMINATORY AIR DEPARTURE TAXES  
**Legal basis:** Regulation 31992R2408  
**Terminated** in 2001

**Year/Number:** 1996/2164  
**Member State:** PORTUGAL  
**Title:** DISCRIMINATORY AIR DEPARTURE TAXES  
**Legal basis:** Regulation 31992R2408  
**Referral - Case C-1999/070,** Judgment given on 26/06/2001

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

**Year/Number:** 1998/2094  
**Member State:** NETHERLANDS  
**Title:** CONCLUSION OF OPEN SKIES AGREEMENT WITH THE UNITED STATES  
**Legal basis:** EC Treaty 197A43; Regulation 31992R2407; Regulation 31992R2408;  
Regulation 31992R2409  
**Referral:** Decision of 20/12/2001

**Year/Number:** 1998/2325  
**Member State:** FRANCE  
**Title:** CONCLUSION OF OPEN SKIES AGREEMENT WITH THE UNITED STATES  
**Legal basis:** EC Treaty 197A43; Regulation 31992R2407; Regulation 31992R2408;  
Regulation 31992R2409  
**Referral:** Decision of 20/12/2001

Year/Number: 1990/0358  
 Member State: NETHERLANDS  
 Title: MERCHANT VESSELS - FLAG RIGHTS  
 Legal basis: EC Treaty 197A48  
**Referral:** Decision of 20/12/2001

Year/Number: 1991/0600  
 Member State: BELGIUM  
 Title: CARGO-SHARING ARRANGEMENTS IN BLEU-TOGO AGREEMENT  
 Legal basis: Regulation 31986R4055  
**Reasoned opinion 228** sent: 21/12/2001 SG(2001)D/260695

Year/Number: 1991/0601  
 Member State: BELGIUM  
 Title: CARGO-SHARING ARRANGEMENTS IN AGREEMENT WITH ZAIRE  
 Legal basis: Regulation 31986R4055  
**Reasoned opinion 228** sent: 21/12/2001 SG(2001)D/260697

Year/Number: 1995/2161  
 Member State: BELGIUM  
 Title: AGREEMENTS WITH MCWCS COUNTRIES  
 Legal basis: Regulation 31986R4055  
**Reasoned opinion 228** sent: 21/12/2001 SG(2001)D/260695

Year/Number: 1995/2162  
 Member State: LUXEMBOURG  
 Title: AGREEMENTS WITH MCWCS COUNTRIES  
 Legal basis: Regulation 31986R4055  
**Terminated** in 2001

Year/Number: 1995/2163  
 Member State: PORTUGAL  
 Title: AGREEMENTS WITH MCWCS COUNTRIES  
 Legal basis: Regulation 31986R4055  
**Terminated** in 2001

Year/Number: 1995/2164  
 Member State: PORTUGAL  
 Title: CARGO-SHARING AGREEMENTS WITH NON-MEMBER COUNTRIES  
 Legal basis: Regulation 31986R4055  
**Article 228 letter** sent: 25/07/2001 SG(2001)D/290251

Year/Number: 1995/2198  
 Member State: FRANCE  
 Title: MARITIME CABOTAGE  
 Legal basis: Regulation 31992R3577  
**Terminated** in 2001

Year/Number: 1995/4624  
 Member State: ITALY  
 Title: FREEDOM TO PROVIDE SERVICES - MARITIME TRANSPORT  
 Legal basis: EC Treaty 197A48; Regulation 31986R4055  
**Referral:** Decision of 20/12/2001

Year/Number: 1996/2168  
Member State: FRANCE  
Title: GRANT OF FLAG RIGHTS  
Legal basis: EC Treaty 197A43  
**Terminated** in 2001

Year/Number: 1998/4654  
Member State: GREECE  
Title: MARITIME TRANSPORT - RESTRICTED FREEDOM TO PROVIDE SERVICES (REGULATION (EEC) No 4055/86)  
Legal basis: Regulation 31986R4055; Regulation 31992R3577  
**Referral - sursis:** Decision of 20/12/2001

Year/Number: 1999/2001  
Member State: PORTUGAL  
Title: MARITIME CABOTAGE  
Legal basis: Regulation 31992R3577  
**Reasoned opinion sent:** 26/07/2001 SG(2001)D/290461

Year/Number: 1999/4133  
Member State: GREECE  
Title: DISCRIMINATION BETWEEN COMMUNITY NATIONALS AS REGARDS PORT CHARGES AND TAXES  
Legal basis: Regulation 31996R4055  
**Reasoned opinion sent:** 02/02/2001 SG(2001)D/285833

Year/Number: 2000/2062  
Member State: GREECE  
Title: MARITIME CABOTAGE  
Legal basis: Regulation 31992R3577  
**Reasoned opinion sent:** 26/07/2001 SG(2001)D/290375

Year/Number: 2000/2239  
Member State: ITALY  
Title: CARGO CONFERENCES – ITALY/CHINA  
Legal basis: Regulation 31996R4055  
**Reasoned opinion sent:** 26/07/2001 SG(2001)D/290455

Year/Number: 2000/4372  
Member State: SPAIN  
Title: FREEDOM TO PROVIDE MARITIME TRANSPORT SERVICES IN THE VIGO ESTUARY - MARITIME CABOTAGE  
Legal basis: Regulation 33577R92  
**Reasoned opinion sent:** 07/05/2001 SG(2001)D/288359



## **ANNEX IV**

### **PROGRESS IN IMPLEMENTING DIRECTIVES**

**This Annex lists all directives with a deadline for transposal in 2001 (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 2001 and shows the state of infringement proceedings started by the Commission against Member States as at 31 December 2001.**

## PART 1: DIRECTIVES WITH A DEADLINE FOR TRANSPOSAL IN 2001

<i>Sector</i>	<i>Celex code</i>	<i>Title</i>	<i>OJ reference</i>	<i>Deadline(s) for transposal</i>
<b>COMPETITION</b>	<b>32000L0052</b>	<i>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</i>	L 193, 29/07/2000	31/07/2001
<b>EMPLOYMENT AND SOCIAL AFFAIRS</b>	<b>31997L0080</b>	<i>Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex</i>	L 14, 20/01/1998	01/01/2001
	<b>31998L0024</b>	<i>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)</i>	L 131, 05/05/1998	05/05/2001
	<b>31998L0049</b>	<i>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</i>	L 209, 25/07/1998	25/07/2001  (deadline for notification: 25/01/2002)

<i>Sector</i>	<i>Celex code</i>	<i>Title</i>	<i>OJ reference</i>	<i>Deadline(s) for transposal</i>
<b>EMPLOYMENT AND SOCIAL AFFAIRS</b>	<b>31998L0050</b>	<i>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</i>	L 201, 17/07/1998	17/07/2001
	<b>31998L0052</b>	<i>Council Directive 98/52/EC of 13 July 1998 on the extension of Directive 97/80/EC on the burden of proof in cases of discrimination based on sex to the United Kingdom of Great Britain and Northern Ireland</i>	L 205, 22/07/1998	31/12/2001
	<b>31999L0070</b>	<i>Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP</i>	L 175, 10/07/1999	10/07/2001
	<b>32000L0039</b>	<i>Commission Directive 2000/39/EC of 8 June 2000 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 (Text with EEA relevance)</i>	L 142, 16/06/2000	31/12/2001

<i>Sector</i>	<i>Celex code</i>	<i>Title</i>	<i>OJ reference</i>	<i>Deadline(s) for transposal</i>
<b>ENTERPRISE</b>	<b>31999L0086</b>	<i>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</i>	L 297, 18/11/1999	01/01/2001
	<b>31999L0103</b>	<i>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</i>	L 34, 09/02/2000	09/02/2001
	<b>32000L0004</b>	<i>Directive 2000/4/EC of the European Parliament and of the Council of 28 February 2000 amending Council Directive 74/60/EEC on the approximation of the laws of the Member States relating to the interior fittings of motor vehicles (interior parts of the passenger compartment other than the interior rear-view mirrors, layout of controls, the roof or sliding roof, the backrest and rear part of the seats)</i>	L 87, 08/04/2000	08/04/2001
	<b>32000L0008</b>	<i>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</i>	L 106, 03/05/2000	03/05/2001

<i>Section</i>	<i>Text code</i>	<i>Title</i>	<i>Directives</i>	<i>Deadlines for transposal</i>
<b>ENTERPRISE</b>	<b>32000L0019</b>	<i>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)</i>	L 94, 14/04/2000	30/06/2001
	<b>32000L0022</b>	<i>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)</i>	L 107, 04/05/2000	30/06/2001
	<b>32000L0037</b>	<i>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)</i>	L 139, 10/06/2000	05/12/2001
	<b>32000L0038</b>	<i>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)</i>	L 139, 10/06/2000	05/12/2001

<i>Sector</i>	<i>Celex code</i>	<i>Title</i>	<i>OJ reference</i>	<i>Deadline(s) for transposal</i>
<b>ENTERPRISE</b>	<b>32000L0040</b>	<i>Directive 2000/40/EC of the European Parliament and of the Council of 26 June 2000 on the approximation of the laws of the Member States relating to the front underrun protection of motor vehicles and amending Council Directive 70/156/EEC</i>	L 203, 10/08/2000	10/08/2001
	<b>32000L0070</b>	<i>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</i>	L 313, 13/12/2000	13/12/2001
	<b>32000L0072</b>	<i>Commission Directive 2000/72/EC of 22 November 2000 adapting to technical progress Council Directive 93/31/EEC on stands for two-wheel motor vehicles (Text with EEA relevance)</i>	L 300, 29/11/2000	31/12/2001
	<b>32000L0073</b>	<i>Commission Directive 2000/73/EC of 22 November 2000 adapting to technical progress Council Directive 93/92/EEC on the installation of lighting and light-signalling devices on two- or three-wheel motor vehicles (Text with EEA relevance)</i>	L 300, 29/11/2000	31/12/2001

<i>Sector</i>	<i>Celex code</i>	<i>Title</i>	<i>OJ reference</i>	<i>Deadline(s) for transposal</i>
<b>ENTERPRISE</b>	<b>32000L0074</b>	<i>Commission Directive 2000/74/EC of 22 November 2000 adapting to technical progress Council Directive 93/29/EEC on the identification of controls, tell-tales and indicators for two- or three-wheel motor vehicles (Text with EEA relevance)</i>	L 300, 29/11/2000	31/12/2001
	<b>32001L0008</b>	<i>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</i>	L 39, 09/02/2001	01/03/2001
	<b>32001L0027</b>	<i>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)</i>	L 107, 18/04/2001	01/10/2001

<i>Sector</i>	<i>Celex code</i>	<i>Title</i>	<i>OJ reference</i>	<i>Deadline(s) for transposal</i>
<b>ENTERPRISE</b>	<b>32001L0031</b>	<i>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)</i>	L 130, 12/05/2001	30/09/2001
<b>ENVIRONMENT</b>	<b>31999L0013</b>	<i>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</i>	L 85, 29/03/1999	01/04/2001
	<b>31999L0030</b>	<i>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</i>	L 163, 29/06/1999	19/07/2001
	<b>31999L0031</b>	<i>Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste</i>	L 182, 16/07/1999	17/07/2001
	<b>31999L0094</b>	<i>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</i>	L 12, 18/01/2000	18/01/2001



<i>Sector</i>	<i>Celex code</i>	<i>Title</i>	<i>OJ reference</i>	<i>Deadline(s) for transposal</i>
<b>ENVIRONMENT</b>	<b>32000L0014</b>	<i>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</i>	L 162, 03/07/2000	03/07/2001
	<b>32000L0021</b>	<i>Commission Directive 2000/21/EC 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 (Text with EEA relevance)</i>	L 103, 28/04/2000	01/04/2001
	<b>32000L0032</b>	<i>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 (Text with EEA relevance.)</i>	L 136, 08/06/2000	01/06/2001
	<b>32000L0033</b>	<i>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.)</i>	L 136, 08/06/2000	01/10/2001

<i>Sector</i>	<i>Celex code</i>	<i>Title</i>	<i>OJ reference</i>	<i>Deadline(s) for transposal</i>
<b>ENVIRONMENT</b>	<b>32000L0071</b>	<i>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)</i>	L 287, 14/11/2000	01/01/2001
<b>INFORMATION SOCIETY</b>	<b>31999L0093</b>	<i>Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures</i>	L 13, 19/01/2000	19/07/2001
<b>INTERNAL MARKET</b>	<b>31998L0071</b>	<i>Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs</i>	L 289, 28/10/1998	28/10/2001
	<b>31999L0042</b>	<i>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</i>	L 201, 31/07/1999	31/07/2001

<i>Sector</i>	<i>Celex code</i>	<i>Title</i>	<i>OJ reference</i>	<i>Deadline(s) for transposal</i>
<b>INTERNAL MARKET</b>	<b>32000L0005</b>	<i>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)</i>	L 54, 26/02/2000	27/02/2001
	<b>32001L0038</b>	<i>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)</i>	L 187, 10/07/2001	31/12/2001
<b>HEALTH AND CONSUMER PROTECTION</b>	<b>31998L0027</b>	<i>Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests</i>	L 166, 11/06/1998	01/01/2001
	<b>31999L0002</b>	<i>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</i>	L 66, 13/03/1999	(20/09/2000) 20/03/2001

<i>Sector</i>	<i>Celex code</i>	<i>Title</i>	<i>OJ reference</i>	<i>Deadline(s) for transposal</i>
<b>HEALTH AND CONSUMER PROTECTION</b>	<b>31999L0072</b>	<i>Directive 1999/72/EC of the European Parliament and of the Council of 29 July 1999 amending Directive 92/117/EEC of the Council concerning measures for protection against specified zoonoses and specific zoonotic agents in animals and products of animal origin in order to prevent outbreaks of food-borne infections and intoxications</i>	L 210, 10/08/1999	31/05/2001
	<b>32000L0010</b>	<i>Commission Directive 2000/10/EC of 1 March 2000 including an active substance (fluroxypyr) in Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market (Text with EEA relevance)</i>	L 57, 02/03/2000	01/06/2001
	<b>32000L0016</b>	<i>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</i>	L 105, 03/05/2000	03/05/2001

<i>Sector</i>	<i>Celex code</i>	<i>Title</i>	<i>OJ reference</i>	<i>Deadline(s) for transposal</i>
<b>HEALTH AND CONSUMER PROTECTION</b>	<b>32000L0042</b>	<i>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)</i>	L 158, 30/06/2000	28/02/2001
	<b>32000L0048</b>	<i>Commission Directive 2000/48/EC of 25 July 2000 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)</i>	L 197, 03/08/2000	31/03/2001
	<b>32000L0049</b>	<i>Commission Directive 2000/49/EC of 26 July 2000 including an active substance (metsulfuron-methyl) in Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market</i>	L 197, 03/08/2000	31/12/2001
	<b>32000L0050</b>	<i>Commission Directive 2000/50/EC of 26 July 2000 including an active substance (prohexadione-calcium) in Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market</i>	L 198, 04/08/2000	01/01/2001

<b>Sector</b>	<b>Celex code</b>	<b>Title</b>	<b>OJ reference</b>	<b>Deadline(s) for transposal</b>
<b>HEALTH AND CONSUMER PROTECTION</b>	<b>32000L0051</b>	<i>Commission Directive 2000/51/EC of 26 July 2000 amending Directive 95/31/EC laying down specific criteria of purity concerning sweeteners for use in foodstuffs (Text with EEA relevance)</i>	L 198, 04/08/2000	30/06/2001
	<b>32000L0057</b>	<i>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)</i>	L 244, 29/09/2000	31/03/2001
	<b>32000L0058</b>	<i>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)</i>	L 244, 29/09/2000	31/03/2001
	<b>32000L0063</b>	<i>Commission Directive 2000/63/EC of 5 October 2000 amending Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners (Text with EEA relevance.)</i>	L 277, 30/10/2000	31/03/2001

<i>Sector</i>	<i>Celex code</i>	<i>Title</i>	<i>OJ reference</i>	<i>Deadline(s) for transposal</i>
<b>HEALTH AND CONSUMER PROTECTION</b>	<b>32000L0077</b>	<i>Directive 2000/77/EC of the European Parliament and of the Council of 14 December 2000 amending Council Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition</i>	L 333, 29/12/2000	29/12/2001
	<b>32000L0081</b>	<i>Commission Directive 2000/81/EC of 18 December 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)</i>	L 326, 22/12/2000	01/07/2001
	<b>32000L0082</b>	<i>Commission Directive 2000/82/EC of 20 December 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 fruit and vegetables, cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables respectively (Text with EEA relevance)</i>	L 3, 06/01/2001	01/07/2001
	<b>32000L0010</b>	<i>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</i>	L 147, 31/05/2001	30/06/2001

<i>Sector</i>	<i>Celex code</i>	<i>Title</i>	<i>OJ reference</i>	<i>Deadline(s) for transposal</i>
<b>HEALTH AND CONSUMER PROTECTION</b>	<b>32001L0032</b>	<i>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</i>	L 127, 09/05/2001	21/05/2001
	<b>32001L0033</b>	<i>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</i>	L 127, 09/05/2001	21/05/2001
	<b>32001L0035</b>	<i>Commission Directive 2001/35/EC of 11 May 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</i>	L 136, 18/05/2001	01/07/2001
	<b>32001L0039</b>	<i>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</i>	L 148, 01/06/2001	31/12/2001



<i>Sector</i>	<i>Celex code</i>	<i>Title</i>	<i>OJ reference</i>	<i>Deadline(s) for transposal</i>
<b>HEALTH AND CONSUMER PROTECTION</b>	<b>32001L0047</b>	<i>Commission Directive 2001/47/EC of 25 June 2001 amending Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market to include <i>Paecilomyces fumosoroseus</i> (Apopka strain 97, PFR 97 or CG 170, ATCC20874) as an active substance</i>	L 175, 28/06/2001	31/12/2001
<b>TAXATION AND CUSTOMS UNION</b>	<b>32000L0065</b>	<i>Council Directive 2000/65/EC of 17 October 2000 amending Directive 77/388/EEC as regards the determination of the person liable for payment of value added tax</i>	L 269, 21/10/2000	31/12/2001
	<b>32001L0004</b>	<i>Council Directive 2001/4/EC of 19 January 2001 amending the sixth Directive (77/388/EEC) on the common system of value added tax, with regard to the length of time during which the minimum standard rate is to be applied (See corrigendum, OJ L 26, 27.01.2001, p.40)</i>	L 22, 24/01/2001	01/01/2001
<b>ENERGY AND TRANSPORT</b>	<b>32000L0055</b>	<i>Directive 2000/55/EC of the European Parliament and of the Council of 18 September 2000 on energy efficiency requirements for ballasts for fluorescent lighting</i>	L 279, 01/11/2000	20/11/2001
	<b>32000L0061</b>	<i>Directive 2000/61/EC of the European Parliament and of the Council of 10 October 2000 amending 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</i>	L 279, 01/11/2000	01/05/2001

<i>Sector</i>	<i>Celex code</i>	<i>Title</i>	<i>OJ reference</i>	<i>Deadline(s) for transposal</i>
<b>ENERGY AND TRANSPORT</b>	<b>32000L0062</b>	<i>Directive 2000/62/EC of the European Parliament and of the Council of 10 October 2000 amending 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</i>	L 279, 01/11/2000	01/05/2001
	<b>32000L0084</b>	<i>Directive 2000/84/EC of the European Parliament and of the Council of 19 January 2001 on summer-time arrangements</i>	L 31, 02/02/2001	31/12/2001
	<b>32001L0002</b>	<i>Commission Directive 2001/2/EC of 4 January 2001 adapting to technical progress Council Directive 1999/36/EC on transportable pressure equipment (Text with EEA relevance)</i>	L 5, 10/01/2001	01/07/2001
	<b>32001L0026</b>	<i>Directive 2001/26/EC of the European Parliament and of the Council of 7 May 2001 amending Council Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road (Text with EEA relevance)</i>	L 168, 23/06/2001	24/12/2001

## **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.

N.B. 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 used in this part:

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.

The numbering of the directives follows the CELEX code.

## TABLE OF CONTENTS

AGRICULTURE.....	22
COMPETITION.....	22
EDUCATION AND CULTURE .....	23
EMPLOYMENT AND SOCIAL AFFAIRS .....	23
ENTERPRISE.....	27
<i>Technical rules</i> .....	27
<i>Equipment</i> .....	27
<i>Chemicals</i> .....	28
<i>Pharmaceuticals and Cosmetics</i> .....	30
<i>Motor vehicles</i> .....	32
ENVIRONMENT.....	38
<i>General</i> .....	38
<i>Water</i> .....	39
<i>Air</i> .....	39
<i>Waste</i> .....	42
<i>Nature</i> .....	43
<i>Noise</i> .....	43
<i>Chemicals and biotechnology</i> .....	43
<i>Radiation protection</i> .....	46
INFORMATION SOCIETY.....	47
INTERNAL MARKET.....	48
<i>Cultural goods</i> .....	48
<i>Liability for defective products</i> .....	48
<i>Banks</i> .....	49
<i>Insurance</i> .....	50
<i>Investments</i> .....	50
<i>Payment systems</i> .....	50

<i>Postal services</i> .....	50
<i>Media in the Information Society</i> .....	51
<i>Public procurement</i> .....	51
<i>Data protection</i> .....	52
<i>Industrial property</i> .....	52
<i>Copyright and related rights</i> .....	53
<b>HEALTH AND CONSUMER PROTECTION</b> .....	<b>55</b>
<i>Veterinary matters</i> .....	55
<i>Plant health</i> .....	59
<i>Seeds and seedlings</i> .....	63
<i>Feedingstuffs</i> .....	65
<i>Food</i> .....	69
<i>Consumer Protection</i> .....	72
<b>TAXATION</b> .....	<b>74</b>
<b>VAT</b> .....	<b>74</b>
<i>Excise duties</i> .....	74
<b>ENERGY</b> .....	<b>74</b>
<i>Gas</i> .....	74
<i>Coal and oil</i> .....	75
<i>Renewable energy and energy efficiency</i> .....	75
<b>TRANSPORT</b> .....	<b>75</b>
<i>Land, road and inland waterway transport</i> .....	75
<i>Rail transport</i> .....	77
<i>Land transport, safety and technology</i> .....	78
<i>Air transport</i> .....	79
<i>Transport by sea</i> .....	80

## AGRICULTURE

**31999L0004** Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts

Deadline for transposal: 13/09/2000

Member States which have notified: all

<b>BELGIUM</b>	2001/0157, LET: 06/04/2001, Termination: 20/12/2001
<b>GERMANY</b>	2001/0168, LET: 06/04/2001, Termination: 20/12/2001
<b>SPAIN</b>	2001/0210, LET: 06/04/2001, Termination: 20/12/2001
<b>FRANCE</b>	2001/0142, LET: 06/04/2001, Termination: 20/12/2001
<b>NETHERLANDS</b>	2001/0164, LET: 06/04/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2001/0216, LET: 06/04/2001, Termination: 20/12/2001
<b>UNITED KINGDOM</b>	2001/0183, LET: 06/04/2001, Termination: 20/12/2001

## COMPETITION

**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: 10/04/2000

Member States which have notified: all except I

<b>ITALY</b>	2000/0578, RO: 26/07/2001
<b>GREECE</b>	2000/0664, Termination: 28/03/2001

**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: 31/07/2001

Member States which have notified: DK, D, A, UK

<b>BELGIUM</b>	2001/0473, LET: 19/10/2001
<b>DENMARK</b>	2001/0534, LET: 19/10/2001, Termination: 20/12/2001
<b>GERMANY</b>	2001/0495, LET: 19/10/2001, Termination: 20/12/2001
<b>GREECE</b>	2001/0542, LET: 19/10/2001
<b>SPAIN</b>	2001/0548, LET: 19/10/2001
<b>FRANCE</b>	2001/0451, LET: 19/10/2001
<b>IRELAND</b>	2001/0529, LET: 19/10/2001
<b>ITALY</b>	2001/0507, LET: 19/10/2001
<b>LUXEMBOURG</b>	2001/0464, LET: 19/10/2001
<b>NETHERLANDS</b>	2001/0487, LET: 19/10/2001
<b>AUSTRIA</b>	2001/0568, LET: 19/10/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2001/0560, LET: 19/10/2001
<b>FINLAND</b>	2001/0590, LET: 19/10/2001
<b>SWEDEN</b>	2001/0581, LET: 19/10/2001
<b>UNITED KINGDOM</b>	2001/0517, LET: 19/10/2001, Termination: 20/12/2001

## 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 except NL

**ITALY** 1999/0068, Judgment: 14/06/2001, Case C-2000/207, Termination: 20/12/2001  
**LUXEMBOURG** 1999/0013, Judgment: 21/06/2001, Case C-2000/119, Termination: 18/07/2001  
**NETHERLANDS** 1999/039, Referral - date sent: 17/04/2000, Case C-2000/145

## EMPLOYMENT AND SOCIAL AFFAIRS

**31993L0104** Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time

Deadline for transposal: 23/11/1996

Member States which have notified: all except IT

**ITALY** 1997/0095, Judgment: 09/03/2000, Case C-1998/386, LET: 228: 09/02/2001  
**FRANCE** 1997/0074, Judgment: 08/06/2000, Case C-1999/046, LET: 228: 09/02/2001  
Termination: 20/12/2001

**31994L0033** Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work

Deadline for transposal: 22/06/1996

Member States which have notified: all

**FRANCE** 1996/0952, Judgment 18/05/2000, Case C-1999/045, Termination: 23/05/2001  
**LUXEMBOURG** 1996/1011, Judgment: 16/12/1999, Case C-1999/047, Termination: 23/05/2001

**31994L0045** Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees

Deadline for transposal: 22/09/1996

Member States which have notified: all

**LUXEMBOURG** 1996/1012, Judgment: 21/10/1999, Case C-1998/430, Termination: 18/07/2001

**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, Judgment: 14/06/2001, Case C-1999/473

**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, Referral: 06/02/2001, Case C-2001/48

**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 B and 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: 01/07/1997 and 09/03/1999

Member States which have notified: all except EL

**GREECE** 1997/0320, Judgment: 14/12/2000, Case C-1998/457

**FRANCE** 1997/0354, Termination: 18/07/2001

**31997L0042** Council Directive 97/42/EC of 27 June 1997 amending for the first time Directive 90/394/EEC on the protection of workers from the risks related to exposure to carcinogens at work (Sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Deadline for transposal: 27/06/2000

Member States which have notified: all

**FRANCE** 2000/0496, RO: 02/02/2001, Termination: 18/07/2001

**PORTUGAL** 2000/0729, Termination: 18/07/2001

**SWEDEN** 2000/0766, Termination: 18/07/2001

**IRELAND** 2000/0632, RO: 31/01/2001, Termination: 18/07/2001

**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: 31/03/1998

Member States which have notified: all except A

**AUSTRIA** 1998/0244, Judgment: 11/10/2001, Case C-2000/110



**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: 30/06/1998

Member States which have notified: all except A

**AUSTRIA** 1998/0433, Judgment: 11/10/2001, Case C-2000/111

**31997L0074** Council Directive 97/74/EC of 15 December 1997 extending, to the United Kingdom of Great Britain and Northern Ireland, Directive 94/45/EC on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees

Deadline for transposal: 15/12/1999

Member States which have notified: all

**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: 01/01/2001

Member States which have notified: DK, E, F, IR, I, L, NL, A, P, FI, S

DENMARK	2001/0291, LET: 06/06/2001, Termination: 20/12/2001
GREECE	2001/0296, LET: 06/06/2001
FRANCE	2001/0238, LET: 06/06/2001, Termination: 20/12/2001
IRELAND	2001/0284, LET: 06/06/2001, Termination: 20/12/2001
LUXEMBOURG	2001/0244, LET: 06/06/2001, Termination: 20/12/2001
NETHERLANDS	2001/0252, LET: 06/06/2001, Termination: 20/12/2001
SWEDEN	2001/0325, LET: 06/06/2001, Termination: 20/12/2001

**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: 20/01/2000

Member States which have notified: B, EL, E, I, L, NL, A, P, FI (Directive 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: 05/05/2001

Member States which have notified: EL, P, FI, S

BELGIUM	2001/0347, LET: 20/07/2001, RO: 21/12/2001
DENMARK	2001/0392, LET: 20/07/2001
GERMANY	2001/0 364, LET: 20/07/2001
GREECE	2001/0399, LET: 20/07/2001, Termination: 20/12/2001
FRANCE	2001/0334, LET: 20/07/2001, RO: 21/12/2001
IRELAND	2001/0386, LET: 20/07/2001, RO: 21/12/2001
ITALY	2001/0371, LET: 20/07/2001, RO: 21/12/2001
LUXEMBOURG	2001/0341, LET: 20/07/2001, RO: 21/12/2001

NETHERLANDS	2001/0357, LET: 20/07/2001, RO: 21/12/2001
AUSTRIA	2001/0422, LET: 20/07/2001, RO: 21/12/2001
PORTUGAL	2001/0412, LET: 20/07/2001, RO: 21/12/2001
FINLAND	2001/0438, LET: 20/07/2001, Termination: 20/12/2001
SWEDEN	2001/0432, LET: 20/07/2001, Termination: 20/12/2001
UNITED KINGDOM	2001/0380, LET: 20/07/2001

**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: 25/07/2001  
(Deadline for notification: 25/01/2002)

Member States which have notified: DK, D, E, F, IR, I, NL, A, FI, S, UK

**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: 17/07/2001

Member States which have notified: E, I, FI

BELGIUM	2001/0466, LET: 19/10/2001
DENMARK	2001/0531, LET: 19/10/2001
GERMANY	2001/0488, LET: 19/10/2001
GREECE	2001/0535, LET: 19/10/2001
FRANCE	2001/0448, LET: 19/10/2001
IRELAND	2001/0521, LET: 19/10/2001
LUXEMBOURG	2001/0459, LET: 19/10/2001
NETHERLANDS	2001/0479, LET: 19/10/2001
AUSTRIA	2001/0562, LET: 19/10/2001
PORTUGAL	2001/0552, LET: 19/10/2001
SWEDEN	2001/0574, LET: 19/10/2001
UNITED KINGDOM	2001/0512, LET: 19/10/2001

**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: 10/07/2001

Member States which have notified: D, E, L, FI

BELGIUM	2001/0470, LET: 19/10/2001
FRANCE	2001/0450, LET: 19/10/2001
IRELAND	2001/0526, LET: 19/10/2001
NETHERLANDS	2001/0483, LET: 19/10/2001
AUSTRIA	2001/0565, LET: 19/10/2001
SWEDEN	2001/0578, LET: 19/10/2001

# ENTERPRISE

## Technical rules

**31998L0048** Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998 amending Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations

Deadline for transposal: 05/08/1999

Member States which have notified: all

**GREECE** 1999/0645, Termination: 18/07/2001

**ITALY** 1999/0624, Termination: 18/07/2001

## 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: 28/05/1999

Member States which have notified: B, DK, EL, E, F, IR, I, L, NL, A, P, FI, S, UK

**GERMANY** 1999/0479, RO: 18/02/2000, Referral (decision): 20/12/2001

**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: DK, EL, E, IR, I, L, NL, A, P, FI, S, UK

**BELGIUM** 2000/0212, RO: 21/12/2001

**GERMANY** 2000/0230, LET: 13/07/2000

**GREECE** 2000/0301, Termination: 20/12/2001

**FRANCE** 2000/0178, LET: 13/07/2000

**IRELAND** 2000/0269, RO: 02/02/2001, Termination: 20/12/2001

**LUXEMBOURG** 2000/0196, RO: 26/07/2001, Termination: 20/12/2001

**NETHERLANDS** 2000/0221, RO: 26/07/2001, Termination: 20/12/2001

**AUSTRIA** 2000/0348, Termination: 20/12/2001

**FINLAND** 2000/0370, RO: 25/07/2001, Termination: 20/12/2001

**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: 07/04/2000

Member States which have notified: all except EL

**GERMANY** 2000/0563, Termination: 18/07/2001

**GREECE** 2000/0673, RO: 14/03/2001, Referral - date sent: 24/09/2001, Case C 2001/367

**SPAIN** 2000/0692, Termination: 18/07/2001

**FRANCE** 2000/0487, Termination: 23/12/2001

**IRELAND** 2000/0625, RO: 14/03/2001, Termination: 23/10/2001

**ITALY** 2000/0587, RO: 26/07/2001, Termination: 23/10/2001

**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: 09/02/2001

Member States which have notified: B, DK, D, E, IR, I, L, NL, FI, S, UK

BELGIUM	2001/0159, LET: 06/04/2001, Termination: 20/12/2001
DENMARK	2001/0197, LET: 06/04/2001, Termination: 20/12/2001
GREECE	2001/0204, LET: 06/04/2001, RO: 21/12/2001
FRANCE	2001/0144, LET: 06/04/2001
IRELAND	2001/0190, LET: 06/04/2001, Termination: 20/12/2001
LUXEMBOURG	2001/0152, LET: 06/04/2001, Termination: 20/12/2001
AUSTRIA	2001/0226, LET: 06/04/2001
PORTUGAL	2001/0218, LET: 06/04/2001, RO: 21/12/2001
FINLAND	2001/0233, LET: 06/04/2001, Termination: 20/12/2001

## **Chemicals**

**31993L0015** Council Directive 93/15/EEC of 5 April 1993 on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses

Deadline for transposal: 29/09/1993 and 29/09/1994

Member States which have notified: all except F

**FRANCE** 1994/0449, Judgment of the Court: 23/03/2000, Case C-1998/327, LET: 228: 23/10/2001

**31994L0027** European Parliament and Council Directive 94/27/EC of 30 June 1994 amending for the 12th 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: 01/01/1996

Member States which have notified: all

**ITALY** 2000/0414, RO: 09/02/2001, Termination: 18/07/2001

**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: 30/09/1999

Member States which have notified: all except B

<b>BELGIUM</b>	2000/0036, RO: 25/07/2001
<b>GERMANY</b>	2000/0047, Termination: 18/07/2001
<b>GREECE</b>	2000/0100, Termination: 18/07/2001
<b>NETHERLANDS</b>	2000/0042, Termination: 18/07/2001

**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: 30/09/1999

Member States which have notified: all except B

<b>BELGIUM</b>	2000/0035, RO: 25/07/2001
<b>GREECE</b>	2000/0099, Termination: 18/07/2001
<b>NETHERLANDS</b>	2000/0041, Termination: 18/07/2001

**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: 01/07/2000

Member States which have notified: all except A

<b>DENMARK</b>	2000/0841, Termination: 18/07/2001
<b>GERMANY</b>	2000/0813, Termination: 18/07/2001
<b>GREECE</b>	2000/0847, Termination: 18/07/2001
<b>FRANCE</b>	2000/0787, Termination: 18/07/2001
<b>AUSTRIA</b>	2000/0877, RO: 5/07/2001
<b>PORTUGAL</b>	2000/0866, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2000/0827, Termination: 18/07/2001

**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: 29/02/2000

Member States which have notified: all except F

<b>GREECE</b>	2001/0093, LET: 15/02/2001, Termination: 18/07/2001
<b>FRANCE</b>	2001/0001, LET: 15/02/2001, RO: 26/07/2001, Referral (decision): 20/12/2001
<b>LUXEMBOURG</b>	2001/0008, LET: 15/02/2001, Termination: 18/07/2001
<b>NETHERLANDS</b>	2001/0033, LET: 23/03/2001, Termination: 20/12/2001
<b>UNITED KINGDOM</b>	2001/0062, LET: 23/03/2001, Termination: 20/12/2001

**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: 01/03/2001

Member States which have notified: B, DK, D, EL, E, F, I, L, NL, FI, S

<b>DENMARK</b>	2001/0295, LET: 06/06/2001, Termination: 20/12/2001
<b>GERMANY</b>	2001/0269, LET: 06/06/2001, Termination: 20/12/2001
<b>GREECE</b>	2001/0304, LET: 06/06/2001, Termination: 20/12/2001
<b>SPAIN</b>	2001/0308, LET: 06/06/2001, Termination: 20/12/2001
<b>FRANCE</b>	2001/0243, LET: 06/06/2001, Termination: 20/12/2001
<b>ITALY</b>	2001/0276, LET: 06/06/2001, Termination: 20/12/2001
<b>IRELAND</b>	2001/0290, LET: 06/06/2001

NETHERLANDS 2001/0260, LET: 06/06/2001, Termination: 20/12/2001  
AUSTRIA 2001/0323, LET: 06/06/2001  
PORTUGAL 2001/0317, LET: 06/06/2001  
FINLAND 2001/0333, LET: 06/06/2001, Termination: 20/12/2001  
UNITED KINGDOM 2001/0283, LET: 06/06/2001

### ***Pharmaceuticals and Cosmetics***

**31993L0040** Council Directive 93/40/EEC of 14 June 1993 amending Directives 81/851/EEC and 81/852/EEC on the approximation of the laws of the Member States relating to veterinary medicinal products  
Deadline for transposal: 31/12/1994 and 31/12/1997

Member States which have notified: all

**FRANCE** 1995/0293, Termination: 18/07/2001

**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: 04/09/1998  
**FRANCE** 1998/0040, RO: 04/09/1998  
**SWEDEN** 1998/0092, RO: 24/06/1998

**31998L0062** Commission Directive 98/62/EC of 3 September 1998 adapting to technical progress Annexes II, III, VI and VII to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products (Text with EEA relevance)

Deadline for transposal: 30/06/1999

Member States which have notified: all

**FRANCE** 1999/0441, Termination: 18/07/2001

**31999L0082** Commission Directive 1999/82/EC of 8 September 1999 amending the Annex to Council Directive 75/318/EEC on the approximation of the laws of the Member States relating to analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products (Text with EEA relevance)

Deadline for transposal: 01/01/2000

Member States which have notified: all

**ITALY** 2000/0235, Termination: 28/03/2001

**31999L0083** Commission Directive 1999/83/EC of 8 September 1999 amending the Annex to Council Directive 75/318/EEC on the approximation of the laws of the Member States relating to analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products (Text with EEA relevance)

Deadline for transposal: 01/03/2000

Member States which have notified: all

**ITALY** 2000/0577, Termination: 18/07/2001

**31999L0104** Commission Directive 1999/104/EC of 22 December 1999 amending the Annex to Council Directive 81/852/EEC on the approximation of the laws of the Member States relating to analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of veterinary medicinal products (Text with EEA relevance)

Deadline for transposal: 01/01/2000

Member States which have notified: all

**BELGIUM** 2000/0200, Termination: 28/03/2001

**PORTUGAL** 2000/0313, Termination: 28/03/2001

**32000L0006** Commission Directive 2000/6/EC of 29 February 2000 adapting to technical progress Annexes II, III, VI and VII to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products (Text with EEA relevance)

Deadline for transposal: 01/07/2000

Member States which have notified: all

**GREECE** 2000/0845, Termination: 18/07/2001

**FRANCE** 2000/0825, Termination: 18/07/2001

**ITALY** 2000/0820, Termination: 18/07/2001

**LUXEMBOURG** 2000/0794, Termination: 18/07/2001

**PORTUGAL** 2000/0863, Termination: 18/07/2001

**UNITED KINGDOM** 2000/0825, Termination: 18/07/2001

**32000L0011** Commission Directive 2000/11/EC of 10 March 2000 adapting to technical progress Annex II to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products (Text with EEA relevance)

Deadline for transposal: 01/06/2000

Member States which have notified: all

**GERMANY** 2000/0557, Termination: 18/07/2001

**GREECE** 2000/0658, Termination: 28/03/2001

**FRANCE** 2000/0475, Termination: 18/07/2001

**PORTUGAL** 2000/0703, Termination: 18/07/2001

**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: 29/06/2000

Member States which have notified: B, DK, EL, E, IR, I, L, NL, A, P, FI, UK

### ***Motor vehicles***

**31998L0069** Directive 98/69/EC of the European Parliament and of the Council of 13 October 1998 relating to measures to be taken against air pollution by emissions from motor vehicles and amending Council Directive 70/220/EEC

Deadline for transposal: 28/09/1999

Member States which have notified: all

**GREECE** 2000/0102, Termination: 18/07/2001

**31998L0089** Commission Directive 98/89/EC of 20 November 1998 adapting to technical progress Council Directive 74/152/EEC relating to the maximum design speed and load platforms of wheeled agricultural or forestry tractors (Text with EEA relevance)

Deadline for transposal: 31/12/1999

Member States which have notified: all

**GREECE** 2000/0302, RO: 25/07/2001, Termination: 20/12/2001

**PORTUGAL** 2000/0332, Termination: 28/03/2001

**31998L0091** Directive 98/91/EC of the European Parliament and of the Council of 14 December 1998 relating to motor vehicles and their trailers intended for the transport of dangerous goods by road and amending Directive 70/156/EEC relating to the type approval of motor vehicles and their trailers

Deadline for transposal: 16/01/2000

Member States which have notified: all

**AUSTRIA** 2000/0461, RO: 29/05/2001, Termination: 20/12/2001

**GREECE** 2000/0440, RO: 29/05/2001, Termination: 20/12/2001

**PORTUGAL** 2000/0454, Termination: 18/07/2001

**IRELAND** 2000/0428, Termination: 18/07/2001

**NETHERLANDS** 2000/0398, Termination: 18/07/2001

**UNITED KINGDOM** 2000/0421, Termination: 18/07/2001

**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: B, D, DK, E, EL, F, IR, I, L, NL, P, FI, S, UK

**AUSTRIA** 2000/0346, RO: 29/05/2001



**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: 30/06/2000

Member States which have notified: all except NL and A

<b>GREECE</b>	2000/0670, RO: 29/05/2001, Termination: 20/12/2001
<b>NETHERLANDS</b>	2000/0547, LET: 08/08/2000
<b>AUSTRIA</b>	2000/0739, RO: 26/07/2001
<b>PORTUGAL</b>	2000/0715, Termination: 28/03/2001
<b>FINLAND</b>	2000/0775, Termination: 18/07/2001

**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: 30/06/2000

Member States which have notified: all except NL

<b>GREECE</b>	2000/0668, RO: 29/05/2001, Termination: 20/12/2001
<b>NETHERLANDS</b>	2000/0546, LET: 08/08/2000
<b>PORTUGAL</b>	2000/0714, Termination: 28/03/2001

**31999L0056** Commission Directive 1999/56/EC of 3 June 1999 adapting to technical progress Council Directive 78/933/EEC relating to the installation of lighting and light-signalling devices on wheeled agricultural and forestry tractors (Text with EEA relevance)

Deadline for transposal: 30/06/2000

Member States which have notified: all

<b>DENMARK</b>	2000/0644, Termination: 18/07/2001
<b>GREECE</b>	2000/0667, RO: 29/05/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2000/0713, Termination: 28/03/2001

**31999L0057** Commission Directive 1999/57/EC of 7 June 1999 adapting to technical progress Council Directive 78/764/EEC relating to the driver's seat on wheeled agricultural or forestry tractors (Text with EEA relevance)

Deadline for transposal: 30/06/2000

Member States which have notified: all

<b>GREECE</b>	2000/0666, RO: 29/05/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2000/0712, Termination: 28/03/2001

**31999L0058** Commission Directive 1999/58/EC of 7 June 1999 adapting to technical progress Council Directive 79/533/EEC relating to coupling and reversing devices for wheeled agricultural or forestry tractors (Text with EEA relevance)

Deadline for transposal: 30/06/2000

Member States which have notified: all

<b>GREECE</b>	2000/0665, RO: 29/05/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2000/0711, Termination: 28/03/2001

**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: 01/01/2001

Member States which have notified: B, DK, D, E, F, IR, I, L, FI, S, UK

<b>BELGIUM</b>	2001/0020, LET: 15/02/2001, Termination: 18/07/2001
<b>GREECE</b>	2001/0091, LET: 15/02/2001, RO: 25/07/2001, Referral (decision): 20/12/2001
<b>ITALY</b>	2001/0050, LET: 15/02/2001, Termination: 18/07/2001
<b>NETHERLANDS</b>	2001/0031, LET: 23/03/2001
<b>AUSTRIA</b>	2001/0117, LET: 15/02/2001, RO: 26/07/2001
<b>PORTUGAL</b>	2001/0107, LET: 15/02/2001, RO: 26/07/2001
<b>UNITED KINGDOM</b>	2001/0061, LET: 23/03/2001, Termination: 18/07/2001

**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: 01/07/2000

Member States which have notified: all except A and P

<b>BELGIUM</b>	2000/0521, Termination: 28/03/2001
<b>ITALY</b>	2000/0574, RO: 29/05/2001, Termination: 20/12/2001
<b>GREECE</b>	2000/0661, RO: 29/05/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2000/0706, RO: 29/05/2001, Referral (decision): 20/12/2001
<b>AUSTRIA</b>	2000/0734, RO: 26/07/2001
<b>FRANCE</b>	2000/0477, Termination: 18/07/2001
<b>NETHERLANDS</b>	2000/0540, Termination: 18/07/2001

**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: 01/01/2000

Member States which have notified: all except A

<b>BELGIUM</b>	2000/0203, Termination: 28/03/2001
<b>AUSTRIA</b>	2000/0340, RO: 25/07/2001
<b>PORTUGAL</b>	2000/0316, Termination: 18/07/2001

**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 except A

<b>BELGIUM</b>	2000/0202, Termination: 28/03/2001
<b>AUSTRIA</b>	2000/0339, RO: 26/07/2001

**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: 31/03/2000

Member States which have notified: all except A

<b>BELGIUM</b>	2000/0520, Termination: 28/03/2001
<b>FRANCE</b>	2000/0476, Termination: 18/07/2001
<b>AUSTRIA</b>	2000/0733, RO: 26/07/2001
<b>PORTUGAL</b>	2000/0705, Termination: 18/07/2001

**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 except A

<b>BELGIUM</b>	2000/0201, Termination: 28/03/2001
<b>GREECE</b>	2000/0285, Termination: 28/03/2001
<b>FRANCE</b>	2000/0168, Termination: 18/07/2001
<b>AUSTRIA</b>	2000/0338, RO: 29/05/2001

**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: 30/06/2000

Member States which have notified: all except A and P

<b>BELGIUM</b>	2000/0519, Termination: 28/03/2001
<b>DENMARK</b>	2000/0638, Termination: 18/07/2001
<b>GREECE</b>	2000/0659, RO: 29/05/2001, Termination: 20/12/2001
<b>ITALY</b>	2000/0572, Termination: 18/07/2001
<b>AUSTRIA</b>	2000/0732, RO: 26/07/2001
<b>PORTUGAL</b>	2000/0704, RO: 29/05/2001, Referral (decision): 20/12/2001
<b>UNITED KINGDOM</b>	2000/0594, Termination: 20/12/2001

**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: B, DK, D, EL, E, F, IR, I, L, FI, S, UK

<b>BELGIUM</b>	2001/0017, LET: 15/02/2001, Termination: 18/07/2001
<b>DENMARK</b>	2001/0080, LET: 15/02/2001, Termination: 18/07/2001
<b>GREECE</b>	2001/0088, LET: 15/02/2001, Termination: 20/12/2001
<b>ITALY</b>	2001/0048, LET: 15/02/2001, Termination: 18/07/2001
<b>NETHERLANDS</b>	2001/0028, LET: 23/03/2001
<b>AUSTRIA</b>	2001/0115, LET: 15/02/2001, RO: 26/07/2001
<b>PORTUGAL</b>	2001/0105, LET: 15/02/2001, RO: 26/07/2001, Referral (decision): 20/12/2001
<b>UNITED KINGDOM</b>	2001/0058, LET: 23/03/2001, Termination: 18/07/2001

**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: 30/09/2000

Member States which have notified: all except A

<b>BELGIUM</b>	2000/0909, Termination: 18/07/2001
<b>FRANCE</b>	2000/0901, Termination: 18/07/2001
<b>NETHERLANDS</b>	2000/0912, Termination: 18/07/2001
<b>AUSTRIA</b>	2000/0940, RO: 25/07/2001
<b>PORTUGAL</b>	2000/0937, RO: 26/07/2001, Termination: 20/12/2001

**32000L0004** Directive 2000/4/EC of the European Parliament and of the Council of 28 February 2000 amending Council Directive 74/60/EEC on the approximation of the laws of the Member States relating to the interior fittings of motor vehicles (interior parts of the passenger compartment other than the interior rear-view mirrors, layout of controls, the roof or sliding roof, the backrest and rear part of the seats)

Deadline for transposal: 08/04/2001

Member States which have notified: all

<b>GREECE</b>	2001/0299, LET: 06/06/2001, Termination: 20/12/2001
<b>NETHERLANDS</b>	2001/0255, LET: 06/06/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2001/0311, LET: 06/06/2001, RO: 26/07/2001 Termination: 20/12/2001

**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 except A and P

<b>BELGIUM</b>	2001/0016, LET: 15/02/2001, RO: 26/07/2001 Termination: 20/12/2001
<b>GERMANY</b>	2001/0040, LET: 15/02/2001, Termination: 18/07/2001
<b>GREECE</b>	2001/0087, LET: 15/02/2001, Termination: 18/07/2001
<b>ITALY</b>	2001/0047, LET: 15/02/2001, Termination: 18/07/2001
<b>NETHERLANDS</b>	2001/0027, LET: 23/03/2001, Termination: 20/12/2001
<b>AUSTRIA</b>	2001/0114, LET: 15/02/2001, RO: 26/07/2001
<b>PORTUGAL</b>	2001/0104, LET: 15/02/2001, RO: 26/07/2001 Referral (decision): 20/12/2001
<b>FINLAND</b>	2001/0132, LET: 23/03/2001, Termination: 18/07/2001
<b>SWEDEN</b>	2001/0124, LET: 15/02/2001, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2001/0057, LET: 23/03/2001, Termination: 18/07/2001

**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: 03/05/2001

Member States which have notified: all except A and P

<b>BELGIUM</b>	2001/0348, LET: 20/07/2001, Termination: 20/12/2001
<b>GREECE</b>	2001/0400, LET: 20/07/2001, Termination: 20/12/2001
<b>FRANCE</b>	2001/0243, LET: 06/06/2001, Termination: 20/12/2001
<b>NETHERLANDS</b>	2001/0358, LET: 20/07/2001, Termination: 20/12/2001
<b>AUSTRIA</b>	2001/0423, LET: 20/07/2001

PORTUGAL 2001/0413, LET: 20/07/2001, RO: 21/12/2001

**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: 30/06/2001

Member States which have notified: B, DK, D, E, F, IR, I, L, FI, S, UK

BELGIUM	2001/0350, LET: 20/07/2001, Termination: 20/12/2001
DENMARK	2001/0393, LET: 20/07/2001, Termination: 20/12/2001
GREECE	2001/0402, LET: 20/07/2001, RO: 21/12/2001
ITALY	2001/0373, LET: 20/07/2001, Termination: 20/12/2001
NETHERLANDS	2001/0359, LET: 20/07/2001
AUSTRIA	2001/0425, LET: 20/07/2001
PORTUGAL	2001/0415, LET: 20/07/2001, RO: 21/12/2001
FINLAND	2001/0440, LET: 20/07/2001, Termination: 20/12/2001

**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: 30/06/2001

Member States which have notified: B, DK, D, E, F, IR, I, L, NL, FI, S, UK

BELGIUM	2001/0351, LET: 20/07/2001, Termination: 20/12/2001
DENMARK	2001/0394, LET: 20/07/2001, Termination: 20/12/2001
GREECE	2001/0403, LET: 20/07/2001, RO: 21/12/2001
ITALY	2001/0374, LET: 20/07/2001, Termination: 20/12/2001
AUSTRIA	2001/0426, LET: 20/07/2001
PORTUGAL	2001/0416, LET: 20/07/2001, RO: 21/12/2001

**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: 29/09/2000

Member States which have notified: B, DK, D, EL, E, F, IR, I, L, NL, FI, S, UK

<b>BELGIUM</b>	2000/0908, RO: 25/07/2001, Termination: 20/12/2001
<b>DENMARK</b>	2000/0926, Termination: 18/07/2001
<b>GERMANY</b>	2000/0914, Termination: 18/07/2001
<b>GREECE</b>	2000/0929, RO: 26/07/2001, Termination: 20/12/2001
<b>FRANCE</b>	2000/0900, Termination: 18/07/2001
<b>ITALY</b>	2000/0916, RO: 26/07/2001, Termination: 20/12/2001
<b>LUXEMBOURG</b>	2000/0904, RO: 26/07/2001, Termination: 20/12/2001
<b>NETHERLANDS</b>	2000/0911, Termination: 20/12/2001
<b>AUSTRIA</b>	2000/0939, RO: 25/07/2001
<b>PORTUGAL</b>	2000/0935, RO: 26/07/2001, Referral (decision): 20/12/2001
<b>SWEDEN</b>	2000/0942, Termination: 20/12/2001
<b>UNITED KINGDOM</b>	2000/0918, Termination: 18/07/2001

**32000L0040** Directive 2000/40/EC of the European Parliament and of the Council of 26 June 2000 on the approximation of the laws of the Member States relating to the front underrun protection of motor vehicles and amending Council Directive 70/156/EEC

Deadline for transposal: 10/08/2001  
(postponed to 2002)

Member States which have notified: all (exceptions)

BELGIUM	2001/0472, LET: 19/10/2001, Termination: 20/12/2001
GERMANY	2001/0494, LET: 19/10/2001, Termination: 20/12/2001
GREECE	2001/0541, LET: 19/10/2001, Termination: 20/12/2001
ITALY	2001/0506, LET: 19/10/2001, Termination: 20/12/2001
NETHERLANDS	2001/0486, LET: 19/10/2001, Termination: 20/12/2001
AUSTRIA	2001/0567, LET: 19/10/2001, Termination: 20/12/2001
PORTUGAL	2001/0559, LET: 19/10/2001, Termination: 20/12/2001
SWEDEN	2001/0580, LET: 19/10/2001, Termination: 20/12/2001

## ENVIRONMENT

### *General*

**31996L0082** Council Directive 1996/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances

Deadline for transposal: 03/02/1999

Member States which have notified: DK, E, EL, FI, I, L, NL, A, P, S, UK

BELGIUM	1999/0457, Referral: 16/11/2000, Case C-2000/423
GERMANY	1999/0240, Referral: 18/10/2000, Case C-2000/383
IRELAND	1999/0270, Referral: 25/10/2000, Case C-2000/394
FRANCE	1999/0208, RO: 27/10/1999, Referral, suspended (decision): 20/12/2001
AUSTRIA	1999/0313, Action withdrawn: 20/12/2001
PORTUGAL	1999/0302, Action withdrawn: 18/07/2001

**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: 14/03/1999

Member States which have notified: DK, D, E, IR, I, NL, A, P, FI, S, UK

BELGIUM	1999/0350, Referral: 14/08/2001, Case C-2001/319
GERMANY	1999/2090, Action withdrawn: 13/11/2001
GREECE	1999/0399, Referral: 11/10/2000, Case C-2000/374
SPAIN	1999/0406, Termination: 18/07/2001
FRANCE	1999/0338, Referral: 17/09/2001, Case C-2001/348
LUXEMBOURG	1999/0343, Referral: 03/10/2000, Case C-2000/366

## **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: D, EL, IR, I, A, P, FI, S, UK

<b>BELGIUM</b>	2001/0160, LET: 06/04/2001, RO: 26/07/2001 Referral (decision): 20/12/2001
<b>DENMARK</b>	2001/0198, LET: 06/04/2001, RO: 26/07/2001
<b>GERMANY</b>	2001/0170, LET: 06/04/2001, Termination: 18/07/2001
<b>GREECE</b>	2001/0205, LET: 06/04/2001, RO: 26/07/2001 Termination: 20/12/2001
<b>SPAIN</b>	2001/0212, LET: 06/04/2001, RO: 26/07/2001 Referral (decision): 20/12/2001
<b>FRANCE</b>	2001/0145, LET: 06/04/2001, RO: 26/07/2001 Referral (decision): 20/12/2001
<b>IRELAND</b>	2001/0191, LET: 06/04/2001, Termination: 18/07/2001
<b>LUXEMBOURG</b>	2001/0153, LET: 06/04/2001, RO: 26/07/2001 Referral (decision): 20/12/2001
<b>AUSTRIA</b>	2001/0227, LET: 06/04/2001, RO: 26/07/2001 Termination: 23/10/2001
<b>PORTUGAL</b>	2001/0219, LET: 06/04/2001, RO: 25/07/2001 Termination: 20/12/2001
<b>FINLAND</b>	2001/0136, LET: 15/02/2001, Termination: 11/04/2001
<b>SWEDEN</b>	2001/0231, LET: 06/04/2001, RO: 06/08/2001 Referral (decision): 20/12/2001
<b>UNITED KINGDOM</b>	2001/0065, LET: 15/02/2001, Termination: 11/04/2001

## **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: DK, D, F, IR, I, NL, A, P, FI, S

<b>LUXEMBOURG</b>	2000/0026, RO: 02/02/2001, Referral, implementation (decision): 20/12/2001
<b>GERMANY</b>	2000/0050, RO: 19/01/2001, Termination: 23/10/2001
<b>UNITED KINGDOM</b>	2000/0070, Referral: 29/01/2001, Case C-2001/039
<b>GREECE</b>	2000/0105, Referral: 13/02/2001, Case C-2001/064
<b>SPAIN</b>	2000/0113, Referral: 24/01/2001, Case C-2001/029
<b>FINLAND</b>	2000/0165, Termination: 20/12/2001
<b>BELGIUM</b>	2000/2029, Referral: 12/11/2001, Case C-2001/435

**31996L0062** Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management

Deadline for transposal: 21/05/1998

Member States which have notified: all except E

<b>SPAIN</b>	1998/0342, Judgement: 13/09/2001, Case C-1999/417
--------------	---

**31997L0068** Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 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: 30/06/1998

Member States which have notified: all

**FRANCE** 1998/0362, Termination: 18/07/2001

**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: 01/07/1999

Member States which have notified: all except UK

**ITALY** 1999/0627, Termination: 28/03/2001

**UNITED KINGDOM** 1999/0633, Referral: 24/01/2001, 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: 01/04/2001

Member States which have notified: L, NL, P, S

**BELGIUM** 2001/0249, LET: 06/06/2001  
**DENMARK** 2001/0292, LET: 06/06/2001, RO: 21/12/2001  
**GERMANY** 2001/0263, LET: 06/06/2001, RO: 21/12/2001  
**GREECE** 2001/0298, LET: 06/06/2001, RO: 21/12/2001  
**SPAIN** 2001/0305, LET: 06/06/2001, RO: 21/12/2001  
**FRANCE** 2001/0240, LET: 06/06/2001  
**IRELAND** 2001/0285, LET: 06/06/2001, RO: 21/12/2001  
**ITALY** 2001/0270, LET: 06/06/2001, RO: 21/12/2001  
**LUXEMBOURG** 2001/0246, LET: 06/06/2001, Termination: 20/12/2001  
**NETHERLANDS** 2001/0254, LET: 06/06/2001, Termination: 20/12/2001  
**AUSTRIA** 2001/2111, LET: 23/10/2001  
**PORTUGAL** 2001/0310, LET: 06/06/2001, Termination: 20/12/2001  
**FINLAND** 2001/0328, LET: 06/06/2001, RO: 21/12/2001  
**SWEDEN** 2001/0326, LET: 06/06/2001, Termination: 20/12/2001  
**UNITED KINGDOM** 2001/0277, LET: 06/06/2001, RO: 21/12/2001

**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: 19/07/2001

Member States which have notified: L, A, FI, S

**DENMARK** 2001/0532, LET: 19/10/2001  
**GERMANY** 2001/0489, LET: 19/10/2001  
**GREECE** 2001/0536, LET: 19/10/2001  
**SPAIN** 2001/0544, LET: 19/10/2001  
**FRANCE** 2001/0449, LET: 19/10/2001  
**IRELAND** 2001/0522, LET: 19/10/2001  
**ITALY** 2001/0500, LET: 19/10/2001  
**NETHERLANDS** 2001/0480, LET: 19/10/2001  
**AUSTRIA** 2001/0563, LET: 19/10/2001, Termination: 20/12/2001  
**PORTUGAL** 2001/0553, LET: 19/10/2001  
**FINLAND** 2001/0585, LET: 19/10/2001, Termination: 20/12/2001



**SWEDEN** 2001/0575, LET: 19/10/2001, Termination: 20/12/2001  
**UNITED KINGDOM** 2001/0513, LET: 19/10/2001

**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: 01/07/2000

Member States which have notified: B, DK, EL, E, F, L, IR, NL, A, P, FI, S

**BELGIUM** 2000/0800, Termination: 28/03/2001  
**GERMANY** 2000/0814, RO: 25/07/2001, Referral (decision): 20/12/2001  
**GREECE** 2000/0849, RO: 10/04/2001, Termination: 18/07/2001  
**SPAIN** 2000/0856, RO: 19/04/2001, Termination: 18/07/2001  
**IRELAND** 2000/0835, Termination: 28/03/2001  
**ITALY** 2000/0822, RO: 11/04/2001, Referral: 18/09/2001, Case C-2001/350  
**AUSTRIA** 2000/0879, Termination: 28/03/2001  
**UNITED KINGDOM** 2000/2272, RO: 21/12/2001

**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: 18/01/2001

Member States which have notified: B, IR, L, NL, A, P, FI, S

**BELGIUM** 2001/0158, LET: 06/04/2001, RO: 25/07/2001  
Termination: 20/12/2001  
**GERMANY** 2001/0169, LET: 06/04/2001, RO: 25/07/2001  
Referral (decision): 20/12/2001  
**GREECE** 2001/0203, LET: 06/04/2001, RO: 26/07/2001  
Referral (decision): 20/12/2001  
**SPAIN** 2001/0211, LET: 06/04/2001, RO: 26/07/2001  
Referral (decision): 20/12/2001  
**FRANCE** 2001/0143, LET: 06/04/2001, RO: 26/07/2001  
Referral (decision): 20/12/2001  
**IRELAND** 2001/0189, LET: 06/04/2001, RO: 25/07/2001  
Termination: 20/12/2001  
**ITALY** 2001/0176, LET: 06/04/2001, RO: 26/07/2001  
Referral (decision): 20/12/2001  
**LUXEMBOURG** 2001/0151, LET: 06/04/2001, Termination: 18/07/2001  
**AUSTRIA** 2001/0225, LET: 06/04/2001, Termination: 18/07/2001  
**PORTUGAL** 2001/0217, LET: 06/04/2001, RO: 25/07/2001  
**SWEDEN** 2001/0230, LET: 06/04/2001, Termination: 18/07/2001  
**UNITED KINGDOM** 2001/0184, LET: 06/04/2001, RO: 24/07/2001  
Referral (decision): 20/12/2001

**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: 01/01/2001

Member States which have notified: B, DK, D, EL, E, F, IR, L, NL, P, FI, S

**DENMARK** 2001/0196, LET: 06/04/2001, Termination: 18/07/2001  
**GERMANY** 2001/0167, LET: 06/04/2001, RO: 26/07/2001  
Termination: 20/12/2001

GREECE	2001/0202, LET: 06/04/2001, Termination: 20/12/2001
SPAIN	2001/0209, LET: 06/04/2001, RO: 26/07/2001 Termination: 20/12/2001
IRELAND	2001/0188, LET: 06/04/2001, Termination: 20/12/2001
ITALY	2001/0175, LET: 06/04/2001, RO: 26/07/2001 Referral (decision): 20/12/2001
LUXEMBOURG	2001/0150, LET: 06/04/2001, Termination: 18/07/2001
AUSTRIA	2001/0224, LET: 06/04/2001, RO: 26/07/2001 Referral (decision): 20/12/2001
FINLAND	2001/2144, LET: 24/07/2001, Termination: 20/12/2001
UNITED KINGDOM	2001/0182, LET: 15/02/2001, RO: 24/07/2001 Referral (decision): 20/12/2001

## **Waste**

**31994L0062** European Parliament and Council Directive 1994/62/EC of 20 December 1994 on packaging and packaging waste

Deadline for transposal: 29/06/1996

Member States which have notified: all

**GREECE** 1996/0911, RO 228: 10/04/2001, Termination: 20/12/2001

**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: 01/01/2000

Member States which have notified: all except I and UK

<b>NETHERLANDS</b>	2000/0220, Termination: 28/03/2001
<b>GERMANY</b>	2000/0229, RO: 25/07/2001, Termination: 20/12/2001
<b>ITALY</b>	2000/0240, Referral: 24/08/2001, Case C-2001/323
<b>UNITED KINGDOM</b>	2000/0252, Referral: 27/09/2001, Case C-2001/373
<b>IRELAND</b>	2000/0267, RO: 31/01/2001, Termination: 18/07/2001
<b>GREECE</b>	2000/0299, Termination: 18/07/2001
<b>PORTUGAL</b>	2000/0329, RO: 18/01/2001, Termination: 18/07/2001

**31999L0031** Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste

Deadline for transposal: 17/07/2001

Member States which have notified: DK, F, A, S

<b>BELGIUM</b>	2001/0467, LET: 19/10/2001
<b>GERMANY</b>	2001/0490, LET: 19/10/2001
<b>GREECE</b>	2001/0537, LET: 19/10/2001
<b>SPAIN</b>	2001/0545, LET: 19/10/2001
<b>IRELAND</b>	2001/0523, LET: 19/10/2001
<b>ITALY</b>	2001/0501, LET: 19/10/2001
<b>LUXEMBOURG</b>	2001/0460, LET: 19/10/2001
<b>NETHERLANDS</b>	2001/0481, LET: 19/10/2001
<b>PORTUGAL</b>	2001/0554, LET: 19/10/2001
<b>FINLAND</b>	2001/0586, LET: 19/10/2001
<b>SWEDEN</b>	2001/0563, LET: 19/10/2001, Termination: 20/12/2001
<b>UNITED KINGDOM</b>	2001/0514, LET: 19/10/2001

## **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: 10/06/1994

Member States which have notified: all

**FRANCE** 1994/0673, RO 228: 09/02/2001 (now being terminated)

## **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: 19/07/2001

Member States which have notified: A

<b>BELGIUM</b>	2001/0471, LET: 19/10/2001
<b>DENMARK</b>	2001/0533, LET: 19/10/2001
<b>GERMANY</b>	2001/0493, LET: 19/10/2001
<b>GREECE</b>	2001/0540, LET: 19/10/2001
<b>SPAIN</b>	2001/0547, LET: 19/10/2001
<b>IRELAND</b>	2001/0528, LET: 19/10/2001
<b>ITALY</b>	2001/0505, LET: 19/10/2001
<b>LUXEMBOURG</b>	2001/0463, LET: 19/10/2001
<b>NETHERLANDS</b>	2001/0485, LET: 19/10/2001
<b>AUSTRIA</b>	2001/0566, LET: 19/10/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2001/0558, LET: 19/10/2001
<b>FINLAND</b>	2001/0589, LET: 19/10/2001
<b>SWEDEN</b>	2001/0579, LET: 19/10/2001

## **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: 24/01/2001, 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 31/05/1998

Member States which have notified: all except UK

**UNITED KINGDOM** 1998/0486, Referral: 24/01/2001, 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: 30/07/1997

Member States which have notified: all except UK

**UNITED KINGDOM** 1997/0538, Referral: 24/01/2001, 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: 24/01/2001, 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: 13/05/2000

Member States which have notified: B, DK, EL, I, NL, A, FI, S

**BELGIUM** 2000/0535, RO: 25/01/2001, Termination: 13/11/2000  
**GERMANY** 2000/0568, RO: 19/01/2001, Referral: 13/09/2001, Case C-2001/347  
**GREECE** 2000/0677, RO: 17/01/2001, Termination: 20/12/2001  
**SPAIN** 2000/0696, RO: 17/01/2001, Referral: 19/09/2001, Case C-2001/352  
**FRANCE** 2000/0491, RO: 02/02/2001, Referral (decision): 20/12/2001  
**IRELAND** 2000/0628, RO: 31/01/2001, Referral: 28/09/2001, Case C-2001/376  
**LUXEMBOURG** 2000/0512, Referral: 16/09/2001, Case C-2001/372  
**NETHERLANDS** 2000/0551, RO: 31/01/2001, Termination: 18/07/2000  
**PORTUGAL** 2000/0725, Referral: 09/10/2001, Case C-2001/391  
**FINLAND** 2000/0781, RO: 17/01/2001, Termination: 18/07/2001  
**UNITED KINGDOM** 2000/0607, RO: 02/02/2001, Referral: 27/09/2001, Case C-2001/374

**31998L0081** Council Directive 98/81/EC of 26 October 1998 amending Directive 90/219/EEC on the contained use of genetically modified micro-organisms

Deadline for transposal: 05/06/2000

Member States which have notified: DK, IR, I, NL, P, FI, S, UK

**BELGIUM** 2000/0533, RO: 17/01/2001, Referral: 12/11/2001, Case C-2001/436  
**GERMANY** 2000/0565, RO: 19/01/2001, Referral: 13/09/2001, Case C-2001/346  
**GREECE** 2000/0675, RO: 17/01/2001, Referral: 26/09/2001, Case C-2001/371  
**SPAIN** 2000/0694, RO: 17/01/2001, Referral: 06/09/2001, Case C-2001/333  
**FRANCE** 2000/0489, RO: 02/02/2001, SLET: 25/07/2001  
**IRELAND** 2000/0627, RO: 31/01/2001, Termination: 18/07/2001  
**ITALY** 2000/0589, RO: 17/01/2001, Termination: 20/12/2001  
**LUXEMBOURG** 2000/0509, RO: 24/01/2001, SLET: 25/07/2001  
SRO: 21/12/2001  
**NETHERLANDS** 2000/0550, Termination: 28/03/2001  
**AUSTRIA** 2000/0744, Referral: 13/09/2001, Case C-2001/345  
**PORTUGAL** 2000/0722, RO: 30/01/2001, Termination: 18/07/2001  
**UNITED KINGDOM** 2000/0605, RO: 15/02/2001, Termination: 20/12/2001

**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: 01/07/2000

Member States which have notified: all except UK

<b>BELGIUM</b>	2000/0801, Termination: 18/07/2001
<b>DENMARK</b>	2000/0843, Termination: 18/07/2001
<b>GREECE</b>	2000/0850, Termination: 18/07/2001
<b>IRELAND</b>	2000/0836, Termination: 18/07/2001
<b>PORTUGAL</b>	2000/0869, Termination: 18/07/2001
<b>SWEDEN</b>	2000/0890, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2000/2273, LET: 02/02/2001, RO: 21/12/2001

**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: 01/04/2001

Member States which have notified: B, DK, D, IR, I, NL, A, P, FI, S

<b>BELGIUM</b>	2001/0249, LET: 06/06/2001, Termination: 20/12/2001
<b>DENMARK</b>	2001/0293, LET: 06/06/2001, Termination: 20/12/2001
<b>GERMANY</b>	2001/0261, LET: 06/06/2001, Termination: 20/12/2001
<b>GREECE</b>	2001/0300, LET: 06/06/2001, RO: 21/12/2001
<b>SPAIN</b>	2001/0306, LET: 06/06/2001
<b>FRANCE</b>	2001/0241, LET: 06/06/2001, RO: 21/12/2001
<b>ITALY</b>	2001/0271, LET: 06/06/2001, Termination: 20/12/2001
<b>LUXEMBOURG</b>	2001/0247, LET: 06/06/2001, RO: 21/12/2001
<b>AUSTRIA</b>	2001/0319, LET: 06/06/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2001/0312, LET: 06/06/2001, Termination: 20/12/2001
<b>FINLAND</b>	2001/2145, LET: 24/07/2001, Termination: 20/12/2001
<b>SWEDEN</b>	2001/0327, LET: 06/06/2001, Termination: 20/12/2001
<b>UNITED KINGDOM</b>	2001/0278, LET: 06/06/2001, RO: 21/12/2001

**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: 01/06/2001

Member States which have notified: B, DK, D, E, F, IR, I, L, NL, P, S

<b>BELGIUM</b>	2001/0352, LET: 20/07/2001, Termination: 20/12/2001
<b>GERMANY</b>	2001/0366, LET: 20/07/2001, Termination: 20/12/2001
<b>GREECE</b>	2001/0404, LET: 20/07/2001, RO: 21/12/2001
<b>FRANCE</b>	2001/0337, LET: 20/07/2001, Termination: 20/12/2001
<b>ITALY</b>	2001/0375, LET: 20/07/2001, Termination: 20/12/2001
<b>LUXEMBOURG</b>	2001/0343, LET: 20/07/2001, Termination: 20/12/2001
<b>AUSTRIA</b>	2001/0427, LET: 20/07/2001, RO: 21/12/2001
<b>PORTUGAL</b>	2001/0417, LET: 20/07/2001, Termination: 20/12/2001
<b>FINLAND</b>	2001/2209, LET: 23/10/2001
<b>SWEDEN</b>	2001/0433, LET: 20/07/2001, Termination: 20/12/2001
<b>UNITED KINGDOM</b>	2001/2159, LET: 23/10/2001

**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: B, D, E, F, I, L, NL, A, P, UK

<b>DENMARK</b>	2001/0611, LET: 05/12/2001
<b>GREECE</b>	2001/0613, LET: 05/12/2001
<b>IRELAND</b>	2001/0609, LET: 05/12/2001
<b>FINLAND</b>	2001/0628, LET: 05/12/2001
<b>SWEDEN</b>	2001/0624, LET: 05/12/2001

### ***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 ionising radiation

Deadline for transposal: 13/05/2000

Member States which have notified: B, EL, E, IR, I, L, A, FI, S

<b>BELGIUM</b>	2000/2129, RO: 01/02/2001, Termination: 20/12/2001
<b>DENMARK</b>	2000/2131, RO: 26/07/2001
<b>GERMANY</b>	2000/2130, RO: 19/01/2001, Referral (decision): 20/12/2001
<b>GREECE</b>	2000/2132, RO: 10/04/2001, Termination: 18/07/2001
<b>SPAIN</b>	2000/2126, RO: 31/01/2001, Termination: 23/10/2001
<b>FRANCE</b>	2000/2133, RO: 17/01/2001, Referral: 13/12/2001, Case C-2001/483
<b>LUXEMBOURG</b>	2000/2135, RO: 19/01/2001, Termination: 18/07/2001
<b>NETHERLANDS</b>	2000/2136, RO: 09/02/2001, Referral (decision): 20/12/2001
<b>PORTUGAL</b>	2000/2137, RO: 18/01/2001, Referral: 09/10/2001, Case C-2001/389
<b>UNITED KINGDOM</b>	2000/2139, RO: 09/02/2001, Referral (decision): 20/12/2001

**31997L0043** Council Directive 1997/43/Euratom of 30 June 1997 on health protection of individuals against the dangers of ionising radiation in relation to medical exposure, and repealing Directive 1984/466/Euratom

Deadline for transposal: 13/05/2000

Member States which have notified: B, DK, EL, E, L, I, A, FI, S

<b>BELGIUM</b>	2000/2142, RO: 01/02/2001, Termination: 20/12/2001
<b>DENMARK</b>	2000/2144, Termination: 18/07/2001
<b>GERMANY</b>	2000/2143, RO: 19/01/2001, Referral (decision): 20/12/2001
<b>GREECE</b>	2000/2145, RO: 10/04/2001, Termination: 18/07/2001
<b>SPAIN</b>	2000/2140, RO: 31/01/2001, Termination: 23/10/2001
<b>FRANCE</b>	2000/2147, RO: 17/01/2001, Referral: 13/12/2001, Case C-2001/484
<b>IRELAND</b>	2000/2148, RO: 31/01/2001, Referral: 27/09/2001, Case C-2001/375
<b>LUXEMBOURG</b>	2000/2150, RO: 19/01/2001, Termination: 18/07/2001
<b>NETHERLANDS</b>	2000/2151, RO: 31/01/2001, Referral (decision): 20/12/2001
<b>PORTUGAL</b>	2000/2152, RO: 18/01/2001, Referral: 09/10/2001, Case C-2001/390
<b>UNITED KINGDOM</b>	2000/2154, RO: 13/02/2001, Referral (decision): 20/12/2001

## 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: 23/08/1996

Member States which have notified: B, DK, D, EL, E, IR, I, F, L, A, P, FI, S, UK

**FRANCE** 1996/0966, Judgment: 23/11/2000, Case C-319/99  
**NETHERLANDS** 1996/1034, Judgment: 11/10/2001, Case C-254/00

**31997L0051** Directive 97/51/EC of the European Parliament and of the Council of 6 October 1997 amending Council Directives 90/387/EEC and 92/44/EEC for the purpose of adaptation to a competitive environment in telecommunications

Deadline for transposal: 31/12/1997

Member States which have notified: all

**FRANCE** 1998/0359, Referral: 19/07/2001, Case C-2001/287, Termination: 20/12/2001  
**ITALY** 1998/0394, Termination: 28/03/2001

**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: B, DK, D, EL, E, NL, A, P, FI, S, UK

**FRANCE** 1998/2336, Judgment: 18/01/2001, Case C-2000/151, LET: 228: 25/07/2001, RO 228: 21/12/2001  
**FRANCE** (Article 5) 2000/0903, Termination: 18/07/2001  
**IRELAND** 1998/2337, Referral: 29/11/2001, Case C-2001/459  
**IRELAND** (Article 5) 2000/0925, Termination: 18/07/2001  
**ITALY** (Article 5) 2000/0917, RO: 23/10/2001  
**LUXEMBOURG** 1998/2338, RO: 23/07/1999; Referral (decision): 22/12/1999  
**LUXEMBOURG** (Article 5) 2000/0907, RO: 25/07/2001  
**UNITED KINGDOM** (Article 5) 2000/0920, Termination: 28/03/2001

**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: 30/06/1998

Member States which have notified: all except F

**FRANCE** 1998/0363, Referral: 19/07/2001, Case C-2001/286  
**ITALY** 1998/0399, Termination: 28/03/2001

**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: 19/07/2001

Member States which have notified: B, DK, D, EL, E, F, L, A, S

<b>IRELAND</b>	2001/0527, LET: 19/10/2001
<b>ITALY</b>	2001/0504, LET: 19/10/2001
<b>NETHERLANDS</b>	2001/0484, LET: 19/10/2001
<b>PORTUGAL</b>	2001/0557, LET: 19/10/2001
<b>FINLAND</b>	2001/0588, LET: 19/10/2001
<b>UNITED KINGDOM</b>	2001/0516, LET: 19/10/2001

## **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: P

#### ***Liability for defective products***

**31999L0034** Directive 1999/34/EC of the European Parliament and of the Council of 10 May 1999 amending Council Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products

Deadline for transposal: 04/12/2000

Member States which have notified: all

<b>GERMANY</b>	2001/0043, LET: 15/02/2001, Termination: 18/07/2001
<b>SPAIN</b>	2001/0099, LET: 15/02/2001, Termination: 18/07/2001
<b>IRELAND</b>	2001/0074, LET: 15/02/2001, RO: 26/07/2001 Termination: 19/09/2001
<b>ITALY</b>	2001/0052, LET: 15/02/2001, Termination: 18/07/2001
<b>PORTUGAL</b>	2001/0109, LET: 15/02/2001, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2001/0064, LET: 23/03/2001, Termination: 23/10/2001



## **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: 21/07/2000

Member States which have notified: all

<b>BELGIUM</b>	2000/0805, Termination: 18/07/2001
<b>GERMANY</b>	2000/0817, Termination: 18/07/2001
<b>GREECE</b>	2000/0854, Termination: 20/12/2001
<b>SPAIN</b>	2000/0860, LET: 30/11/2000 (now being terminated)
<b>IRELAND</b>	2000/0840, Termination: 18/07/2001
<b>NETHERLANDS</b>	2000/0810, Termination: 18/07/2001
<b>AUSTRIA</b>	2000/0883, Termination: 18/07/2001
<b>PORTUGAL</b>	2000/0873, Termination: 20/12/2001
<b>FINLAND</b>	2000/0899, Termination: 18/07/2001
<b>SWEDEN</b>	2000/0894, Termination: 18/07/2001

**31998L0032** Directive 98/32/EC of the European Parliament and of the Council of 22 June 1998 amending, as regards in particular mortgages, Council Directive 89/647/EEC on a solvency ratio for credit institutions

Deadline for transposal: 21/07/2000

Member States which have notified: all

<b>BELGIUM</b>	2000/0804, Termination: 18/07/2001
<b>GREECE</b>	2000/0853, Termination: 18/07/2001
<b>FRANCE</b>	2000/0790, Termination: 18/07/2001
<b>IRELAND</b>	2000/0839, Termination: 18/07/2001
<b>NETHERLANDS</b>	2000/0809, Termination: 18/07/2001
<b>AUSTRIA</b>	2000/0882, Termination: 18/07/2001
<b>PORTUGAL</b>	2000/0872, Termination: 18/07/2001
<b>FINLAND</b>	2000/0898, Termination: 18/07/2001
<b>SWEDEN</b>	2000/0893, Termination: 18/07/2001

**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: 21/07/2000

Member States which have notified: all

<b>BELGIUM</b>	2000/0803, Termination: 18/07/2001
<b>GERMANY</b>	2000/0816, Termination: 18/07/2001
<b>GREECE</b>	2000/0852, Termination: 18/07/2001
<b>SPAIN</b>	2000/0859, LET: 30/11/2000 (now being terminated)
<b>IRELAND</b>	2000/0838, Termination: 18/07/2001
<b>NETHERLANDS</b>	2000/0808, Termination: 18/07/2001
<b>AUSTRIA</b>	2000/0881, Termination: 18/07/2001
<b>PORTUGAL</b>	2000/0871, Termination: 18/07/2001
<b>FINLAND</b>	2000/0897, Termination: 18/07/2001
<b>SWEDEN</b>	2000/0892, Termination: 18/07/2001

## ***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: 05/06/2000

Member States which have notified: all except EL and P

<b>BELGIUM</b>	2000/0534, RO: 29/01/2001, Termination: 18/07/2001
<b>GERMANY</b>	2000/0566, Termination: 28/03/2001
<b>GREECE</b>	2000/0676, Referral: 07/08/2001, Case C-2001/312
<b>FRANCE</b>	2000/0490, Termination: 20/12/2001
<b>ITALY</b>	2000/0590, Termination: 20/12/2001
<b>LUXEMBOURG</b>	2000/0510, Termination: 28/03/2001
<b>AUSTRIA</b>	2000/0745, Termination: 28/03/2001
<b>PORTUGAL</b>	2000/0723, Referral: 20/12/2001 (ongoing)
<b>FINLAND</b>	2000/0780, Termination: 28/03/2001
<b>UNITED KINGDOM</b>	2000/0606, RO: 02/02/2001, Referral: 04/10/2001, Case C-2001/382 Action withdrawn: 20/12/2001

## ***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: 26/09/1998

Member States which have notified: all except UK (Gibraltar)

<b>LUXEMBOURG</b>	1998/0536, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2000/2035, RO: 02/02/2001, Referral: 17/12/2001, Case C-2001/489 (Gibraltar)

## ***Payment systems***

**31998L0026** Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems

Deadline for transposal: 11/12/1999

Member States which have notified: all

<b>FRANCE</b>	2000/0180, RO: 24/01/2001 (now being terminated)
<b>ITALY</b>	2000/0243, Termination: 18/07/2001
<b>LUXEMBOURG</b>	2000/0198, RO: 24/01/2001, Termination: 18/07/2001

## ***Postal services***

**31997L0067** 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

Deadline for transposal: 14/02/1999

Member States which have notified: all

**IRELAND** 1999/0272, Termination: 18/07/2001  
**LUXEMBOURG** 1999/0218, Termination: 18/07/2001

### ***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: 28/05/2000

Member States which have notified: DK, F, IR, I, NL, A, P, FI, S, UK

**BELGIUM** 2000/0532, RO: 26/07/2001  
**GERMANY** 2000/0564, RO: 25/07/2001  
**GREECE** 2000/0674, RO: 26/07/2001  
**SPAIN** 2000/0693, RO: 26/07/2001  
**ITALY** 2000/0588, Termination: 18/07/2001  
**LUXEMBOURG** 2000/0508, RO: 26/07/2001  
**PORTUGAL** 2000/0721, RO: 26/07/2001 (now being terminated)  
**FINLAND** 2000/0778, RO: 26/07/2001 (now being terminated)  
**SWEDEN** 2000/0762, Termination: 18/07/2001

**31993L0083** Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission

Deadline for transposal: 01/01/1995

Member States which have notified: all

**IRELAND** 1995/0114, Termination: 18/07/2001

### **THE BUSINESS ENVIRONMENT**

#### ***Public procurement***

**31992L0013** 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

Deadline for transposal: 01/01/1993

Member States which have notified: all

**GREECE** 1998/0185, Case C-2000/098, Action withdrawn: 23/05/2001  
**PORTUGAL** 1998/0437, Termination: 20/12/2001

**31993L0038** Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors

Deadline for transposal: 01/07/1994

Member States which have notified: all

**PORTUGAL** 1998/0438, Termination: 20/12/2001

**31997L0052** European Parliament and Council Directive 97/52/EC of 13 October 1997 amending Directives 92/50/EEC, 93/36/EEC and 93/37/EEC concerning the coordination of procedures for the award of public service contracts, public supply contracts and public works contracts respectively

Deadline for transposal: 13/10/1998

Member States which have notified: all

<b>GERMANY</b>	1998/0553, Case C-2000/130, Action withdrawn: 03/05/2001
<b>GREECE</b>	1998/0585, Case C-2000/216, Action withdrawn: 23/05/2001
<b>FRANCE</b>	1998/0530, judgment: 08/03/2001, Case C-2000/097, Termination: 20/12/2001
<b>AUSTRIA</b>	1998/0601, Case C-2000/461, Action withdrawn: 23/11/2001

**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: 16/02/1999 and 16/02/2000

Member States which have notified: all except EL

<b>GERMANY</b>	1999/0243, Termination: 18/07/2001
<b>GREECE</b>	2001/0297, LET: 06/06/2001, RO: 21/12/2001
<b>FRANCE</b>	1999/0210, Judgment: 21/06/2001, Case C-2000/439, Termination: 20/12/2001
<b>AUSTRIA</b>	1999/0315, Case C-2000/462, Action withdrawn: 23/11/2001
	2001/0318, LET: 06/06/2001, Termination: 20/12/2001
<b>UNITED KINGDOM</b>	1999/0263, Referral: 24/01/2001, Case C-2001/031, Action withdrawn: 19/11/2001

### ***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 and L

<b>DENMARK</b>	1998/0576, Termination: 18/07/2001
<b>GERMANY</b>	1998/0552, Case C-2000/443, Action withdrawn: 31/07/2001
<b>FRANCE</b>	1998/0528, Case C-2000/449, Action withdrawn: 25/10/2001
<b>IRELAND</b>	1998/0571, Referral: 29/11/2001, Case C-2001/459
<b>LUXEMBOURG</b>	1998/0535, Judgment: 04/10/2001, Case C-2000/450

### ***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: 30/07/2000

Member States which have notified: DK, EL, IR, FI, UK

<b>BELGIUM</b>	2000/0802, LET: 30/11/2000
<b>GERMANY</b>	2000/0815, LET: 30/11/2000
<b>GREECE</b>	2000/0851, Termination: 20/12/2001
<b>SPAIN</b>	2000/0858, LET: 30/11/2000
<b>FRANCE</b>	2000/0789, LET: 30/11/2000
<b>IRELAND</b>	2000/0837, Termination: 18/07/2001
<b>ITALY</b>	2000/0823, LET: 30/11/2000
<b>LUXEMBOURG</b>	2000/0797, LET: 30/11/2000
<b>NETHERLANDS</b>	2000/0807, LET: 30/11/2000

<b>AUSTRIA</b>	2000/0880, LET: 30/11/2000
<b>PORTUGAL</b>	2000/0870, LET: 30/11/2000
<b>SWEDEN</b>	2000/0891, LET: 30/11/2000
<b>UNITED KINGDOM</b>	2000/0829, Termination: 18/07/2001

**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, F, I

<b>BELGIUM</b>	2001/0599, LET: 05/12/2001
<b>GERMANY</b>	2001/0603, LET: 05/12/2001
<b>GREECE</b>	2001/0612, LET: 05/12/2001
<b>SPAIN</b>	2001/0616, LET: 05/12/2001
<b>IRELAND</b>	2001/0608, LET: 05/12/2001
<b>LUXEMBOURG</b>	2001/0596, LET; 05/12/2001
<b>NETHERLANDS</b>	2001/0602, LET: 05/12/2001
<b>AUSTRIA</b>	2001/0620, LET: 05/12/2001
<b>PORTUGAL</b>	2001/0617, LET: 05/12/2001
<b>FINLAND</b>	2001/0627, LET: 05/12/2001
<b>SWEDEN</b>	2001/0623, LET: 05/12/2001
<b>UNITED KINGDOM</b>	2001/0607, LET: 05/12/2001

### ***Copyright and related rights***

**31992L0100** Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property

Deadline for transposal: 01/07/1994

Member States which have notified: all

<b>IRELAND</b>	1994/0855, Termination: 28/03/2001
----------------	------------------------------------

**31996L0009** Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases

Deadline for transposal: 31/12/1997

Member States which have notified: all

<b>IRELAND</b>	1998/0043, Termination: 18/07/2001
<b>LUXEMBOURG</b>	1998/0058, Termination: 18/07/2001

### **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: 14/03/2000

Member States which have notified: DK, D, EL, E, I, A, P, FI, S, UK

<b>BELGIUM</b>	2000/0537, RO: 30/01/2001
<b>SPAIN</b>	2000/0699, RO: 24/01/2001, Termination: 20/12/2001
<b>FRANCE</b>	2000/0494, RO: 24/01/2001, Referral: 18/09/2001, Case C-2001/351

<b>IRELAND</b>	2000/0631, RO: 24/01/2001, Referral: 24/09/2001, Case C-2001/362
<b>ITALY</b>	2000/0592, Termination: 18/07/2001
<b>LUXEMBOURG</b>	2000/0515, RO: 02/02/2001
<b>NETHERLANDS</b>	2000/0552, RO: 24/01/2001
<b>PORTUGAL</b>	2000/0728, Termination: 20/12/2001

**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: 31/07/2001

Member States which have notified: DK, F

<b>BELGIUM</b>	2001/0469, LET: 19/10/2001
<b>GERMANY</b>	2001/0492, LET: 19/10/2001
<b>GREECE</b>	2001/0539, LET: 19/10/2001
<b>SPAIN</b>	2001/0546, LET: 19/10/2001
<b>IRELAND</b>	2001/0525, LET: 19/10/2001
<b>ITALY</b>	2001/0503, LET: 19/10/2001
<b>LUXEMBOURG</b>	2001/0462, LET: 19/10/2001
<b>NETHERLANDS</b>	2001/0482, LET: 19/10/2001
<b>AUSTRIA</b>	2001/0564, LET: 19/10/2001
<b>PORTUGAL</b>	2001/0556, LET: 19/10/2001
<b>FINLAND</b>	2001/0587, LET: 19/10/2001
<b>SWEDEN</b>	2001/0577, LET: 19/10/2001
<b>UNITED KINGDOM</b>	2001/0515, LET: 19/10/2001

**31999L0046** Commission Directive 1999/46/EC of 21 May 1999 amending Council Directive 93/16/EEC to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (Text with EEA relevance)

Deadline for transposal: 31/12/1999

Member States which have notified: all

**PORTUGAL** 2000/0324, RO: 15/02/2001, Termination: 18/07/2001

**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: 27/02/2001

Member States which have notified: all except B, EL and IR

<b>BELGIUM</b>	2001/0155, LET: 06/04/2001, RO: 21/12/2001
<b>GERMANY</b>	2001/0165, LET: 06/04/2001, Termination: 13/11/2001
<b>GREECE</b>	2001/0199, LET: 06/04/2001, RO: 21/12/2001
<b>SPAIN</b>	2001/0207, LET: 06/04/2001, Termination: 23/10/2001
<b>FRANCE</b>	2001/0140, LET: 06/04/2001, Termination: 23/10/2001
<b>IRELAND</b>	2001/0186, LET: 06/04/2001, RO: 21/12/2001
<b>ITALY</b>	2001/0172, LET: 06/04/2001, Termination: 20/12/2001
<b>LUXEMBOURG</b>	2001/0147, LET: 06/04/2001, Termination: 23/10/2001
<b>NETHERLANDS</b>	2001/0162, LET: 06/04/2001, Termination: 23/10/2001
<b>AUSTRIA</b>	2001/0221, LET: 06/04/2001, Termination: 23/10/2001
<b>UNITED KINGDOM</b>	2001/0179, LET: 06/04/2001, Termination: 23/10/2001

## 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: 24/02/2000

**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  $\beta$ -agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC

Deadline for transposal: 01/07/1997

Member States which have notified implementing measures: all except F

**FRANCE** 1997/0342, Referral, suspended: 20/12/2001

**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: 30/06/1997

Member States which have notified implementing measures: all except F

**FRANCE** 1997/0343, Referral, suspended: 20/12/2001

**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: 01/01/1997, 01/07/1997 and 01/07/1999

Member States which have notified implementing measures: B, DK, E, F, I, L, NL, A, P, FI, S, UK

(Deadline for transposal: 01/07/1997)

**GERMANY** 1997/0491, Judgment: 08/03/2001, Case C-1999/316

**GREECE** 1997/0495, RO 228: 15/01/2001

**IRELAND** 1997/0509, Termination: 18/07/2001

(Deadline for transposal: 01/07/1999)

**IRELAND** 2000/0634, RO: 25/07/2001

**GREECE** 2000/0682, RO: 15/01/2001

**31997L0012** Council Directive 97/12/EC of 17 March 1997 amending and updating Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine  
Deadline for transposal: 01/07/1999

Member States which have notified implementing measures: all

**FRANCE** 2000/0181, Termination: 20/12/2001  
**IRELAND** 2000/0271, RO: 25/07/2001, Termination: 20/12/2001

**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: 30/06/1999

Member States which have notified implementing measures: all except UK

**UNITED KINGDOM** 1999/0501, RO: 28/02/2000

**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: 30/06/1999 and 01/07/1999

Member States which have notified implementing measures: all except UK

**GREECE** 1999/0532, Case C-2000/393, Action withdrawn: 20/12/2001  
**UNITED KINGDOM** 1999/0502, RO: 25/07/2001

**31998L0045** Council Directive 98/45/EC of 24 June 1998 amending Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products  
Deadline for transposal: 30/06/1999

Member States which have notified implementing measures: all

**IRELAND** 1999/0513, Termination: 18/07/2001

**31998L0046** Council Directive 98/46/EC of 24 June 1998 amending Annexes A, D (Chapter I) and F to Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine  
Deadline for transposal: 30/06/1999

Member States which have notified implementing measures: all

**GREECE** 1999/0535, Case C-2000/393, Action withdrawn: 18/07/2001  
**FRANCE** 1999/0440, Termination: 20/12/2001

**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 except D and A

**GERMANY** 2000/0406, LET: 04/08/2000  
**GREECE** 2000/0441, Referral: 22/11/2001, Case C-2001/452, Termination: 20/12/2001  
**ITALY** 2000/0413, RO: 15/01/2001, Termination: 18/07/2001



**AUSTRIA** 2000/0462, RO: 29/01/2001  
**UNITED KINGDOM** 2000/0422, RO: 15/01/2001, Termination: 20/12/2001

**31998L0099** Council Directive 98/99/EC of 14 December 1998 amending Directive 97/12/EC amending and updating Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine

Deadline for transposal: 01/01/1999 and 01/07/1999

Member States which have notified implementing measures: all  
(deadline for transposal: 01/01/1999)

**IRELAND** 1999/0277, Termination: 18/07/2001

Member States which have notified implementing measures: all  
( deadline for transposal: 01/07/1999)

**FRANCE** 1999/0598, Termination: 20/12/2001  
**IRELAND** 1999/0637, Termination: 18/07/2001  
**NETHERLANDS** 1999/0614, Termination: 18/07/2001

**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: 01/07/2000

Member States which have notified: all except EL

**BELGIUM** 2000/0522, Termination: 18/07/2001  
**GREECE** 2000/0663, Referral: 04/12/2001, Case C-2001/466  
**SPAIN** 2000/0688, Termination: 20/12/2001  
**IRELAND** 2000/0614, RO: 31/01/2001, Termination: 18/07/2001  
**ITALY** 2000/0576, RO: 15/01/2001, Termination: 18/07/2001  
**PORTUGAL** 2000/0708, Termination: 18/07/2001  
**SWEDEN** 2000/0754, Termination: 18/07/2001

**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: 01/07/2000

Member States which have notified: all except I

**GREECE** 2000/0662, RO: 15/01/2001, Termination: 20/12/2001  
**SPAIN** 2000/0687, Termination: 18/07/2001  
**IRELAND** 2000/0613, RO: 31/01/2001, Termination: 18/07/2001  
**ITALY** 2000/0575, Referral: 29/11/2001, Case C-2001/458  
**SWEDEN** 2000/0753, Termination: 18/07/2001

**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 except EL and IR

<b>DENMARK</b>	2001/0078, LET: 15/02/2001, Termination: 18/07/2001
<b>GERMANY</b>	2001/0039, LET: 15/02/2001, Termination: 18/07/2001
<b>GREECE</b>	2001/0086, LET: 15/02/2001
<b>FRANCE</b>	2001/0006, LET: 15/02/2001, Termination: 18/07/2001
<b>IRELAND</b>	2001/0069, LET: 15/02/2001
<b>ITALY</b>	2001/0046, LET: 15/02/2001, Termination: 18/07/2001
<b>LUXEMBOURG</b>	2001/0014, LET: 15/02/2001, Termination: 18/07/2001
<b>NETHERLANDS</b>	2001/0026, LET: 23/03/2001, Termination: 20/12/2001
<b>AUSTRIA</b>	2001/0113, LET: 15/02/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2001/0103, LET: 15/02/2001, Termination: 18/07/2001
<b>SWEDEN</b>	2001/0123, LET: 15/02/2001, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2001/0056, LET: 23/03/2001, Termination: 20/12/2001

**32000L0020** Directive 2000/20/EC of the European Parliament and of the Council of 16 May 2000 amending Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine

Deadline for transposal: 01/12/1999

Member States which have notified: B, DK, D, E, L, NL, P, FI, S

**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

<b>DENMARK</b>	2001/0076, LET: 15/02/2001, Termination: 18/07/2001
<b>GERMANY</b>	2001/0038, LET: 15/02/2001, Termination: 18/07/2001
<b>SPAIN</b>	2001/0096, LET: 15/02/2001, Termination: 18/07/2001
<b>IRELAND</b>	2001/0067, LET: 15/02/2001, Termination: 20/12/2001
<b>ITALY</b>	2001/0045, RO: 26/07/2001
<b>NETHERLANDS</b>	2001/0024, LET: 23/03/2001, Termination: 18/07/2001
<b>AUSTRIA</b>	2001/0111, LET: 15/02/2001, Termination: 18/07/2001
<b>PORTUGAL</b>	2001/0101, LET: 15/02/2001, Termination: 20/12/2001
<b>FINLAND</b>	2001/0130, LET: 23/03/2001, Termination: 18/07/2001
<b>SWEDEN</b>	2001/0121, LET: 15/02/2001, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2001/0054, LET: 23/03/2001, Termination: 20/12/2001

**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: 28/02/2001

Member States which have notified: B, DK, EL, E, F, IR, I, NL, P, FI, S

<b>BELGIUM</b>	2001/0156, LET: 06/04/2001, Termination: 20/12/2001
<b>GERMANY</b>	2001/0166, LET: 06/04/2001
<b>GREECE</b>	2001/0200, LET: 06/04/2001, Termination: 18/07/2001
<b>SPAIN</b>	2001/0208, LET: 06/04/2001, Termination: 18/07/2001
<b>FRANCE</b>	2001/0141, LET: 06/04/2001, Termination: 18/07/2001
<b>IRELAND</b>	2001/0187, LET: 06/04/2001, Termination: 20/12/2001
<b>ITALY</b>	2001/0173, LET: 06/04/2001, Termination: 20/12/2001

<b>LUXEMBOURG</b>	2001/0148, RO: 21/12/2001
<b>NETHERLANDS</b>	2001/0163, LET: 06/04/2001, Termination: 20/12/2001
<b>AUSTRIA</b>	2001/0222, RO: 21/12/2001
<b>PORTUGAL</b>	2001/0214, LET: 06/04/2001, Termination: 20/12/2001
<b>FINLAND</b>	2001/0232, LET: 06/04/2001, Termination: 20/12/2001
<b>SWEDEN</b>	2001/0229, LET: 06/04/2001, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2001/0180, RO: 21/12/2001

**32000L0010** 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: 30/06/2001

Member States which have notified: B, DK, D, E, IR, L, NL, A, FI, UK

<b>BELGIUM</b>	2001/0354, LET: 20/07/2001, Termination: 20/12/2001
<b>DENMARK</b>	2001/0396, LET: 20/07/2001, Termination: 20/12/2001
<b>GERMANY</b>	2001/0368, LET: 20/07/2001, Termination: 20/12/2001
<b>GREECE</b>	2001/0405, RO: 21/12/2001
<b>SPAIN</b>	2001/0409, LET: 20/07/2001, Termination: 20/12/2001
<b>FRANCE</b>	2001/0338, LET: 20/07/2001
<b>IRELAND</b>	2001/0389, LET: 20/07/2001, Termination: 20/12/2001
<b>ITALY</b>	2001/0377, RO: 21/12/2001
<b>LUXEMBOURG</b>	2001/0344, LET: 20/07/2001, Termination: 20/12/2001
<b>NETHERLANDS</b>	2001/0361, LET: 20/07/2001, Termination: 20/12/2001
<b>AUSTRIA</b>	2001/0429, LET: 20/07/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2001/0419, RO: 21/12/2001
<b>FINLAND</b>	2001/0441, LET: 20/07/2001, Termination: 20/12/2001
<b>SWEDEN</b>	2001/0435, RO: 21/12/2001
<b>UNITED KINGDOM</b>	2001/0383, LET: 20/07/2001, Termination: 20/12/2001

### ***Plant health***

**31997L0041** Council Directive 97/41/EC of 25 June 1997 amending Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC relating to the fixing of maximum levels for pesticide residues in and on, respectively, fruit and vegetables, cereals, foodstuffs of animal origin, and certain products of plant origin, including fruit and vegetables

Deadline for transposal: 31/12/1998

Member States which have notified implementing measures: all

<b>GREECE</b>	1999/0124, Case C-2000/166, Action withdrawn: 18/07/2001
<b>AUSTRIA</b>	1999/0171, Referral: 22/03/2001, Case C-2001/132, Action withdrawn: 18/07/2001

**31998L0057** Council Directive 98/57/EC of 20 July 1998 on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.

Deadline for transposal: 21/08/1999

Member States which have notified implementing measures: all

<b>GERMANY</b>	1999/0619, Referral: 22/03/2001, Case C-2001/134, Action withdrawn: 18/07/2001
<b>FINLAND</b>	1999/0680, Termination: 18/07/2001

**31998L0082** Commission Directive 98/82/EC of 27 October 1998 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: 30/04/1999

Member States which have notified implementing measures: all

**GERMANY** 1999/0366, Termination: 18/07/2001  
**AUSTRIA** 1999/0423, Referral: 22/03/2001, Case C-2001/133, Action withdrawn: 18/07/2001

**31998L0100** Commission Directive 98/100/EC of 21 December 1998 amending Directive 92/76/EC recognising protected zones exposed to particular plant health risks in the Community

Deadline for transposal: 01/01/1999

Member States which have notified implementing measures: all

**GREECE** 1999/0290, Case C-2000/406, Action withdrawn: 18/07/2001

**31999L0071** Commission Directive 1999/71/EC of 14 July 1999 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: 31/01/2000

Member States which have notified: all

**GREECE** 2000/0437, RO: 15/01/2001, Termination: 18/07/2001  
**AUSTRIA** 2000/0457, RO: 29/01/2001, Termination: 18/07/2001  
**FINLAND** 2000/0470, Termination: 20/12/2001

**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 except A and UK

**DENMARK** 2001/0007, LET: 15/02/2001, Termination: 18/07/2001  
**GERMANY** 2001/0264, LET: 06/06/2001, Termination: 20/12/2001  
**GREECE** 2001/0085, LET: 15/02/2001, Termination: 18/07/2001  
**SPAIN** 2001/0097, LET: 15/02/2001, Termination: 18/07/2001  
**FRANCE** 2001/0004, LET: 15/02/2001, Termination: 18/07/2001  
**IRELAND** 2001/0068, LET: 15/02/2001, Termination: 18/07/2001  
**NETHERLANDS** 2001/0025, LET: 23/03/2001, Termination: 18/07/2001  
**AUSTRIA** 2001/0112, RO: 24/07/2001  
**PORTUGAL** 2001/0102, LET: 15/02/2001, Termination: 18/07/2001  
**SWEDEN** 2001/0122, LET: 15/02/2001, Termination: 18/07/2001  
**UNITED KINGDOM** 2001/0055, RO: 21/12/2001

**32000L0048** Commission Directive 2000/48/EC of 25 July 2000 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: 31/03/2001

Member States which have notified: B, DK, EL, E, F, IR, I, L, NL, A, P, S

<b>GERMANY</b>	2001/0265, RO: 21/12/2001
<b>GREECE</b>	2001/0301, LET: 06/06/2001, Termination: 20/12/2001
<b>IRELAND</b>	2001/0286, LET: 06/06/2001, Termination: 20/12/2001
<b>ITALY</b>	2001/0272, LET: 06/06/2001, Termination: 20/12/2001
<b>NETHERLANDS</b>	2001/0256, LET: 06/06/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2001/0313, LET: 06/06/2001, Termination: 20/12/2001
<b>FINLAND</b>	2001/0329, LET: 06/06/2001
<b>UNITED KINGDOM</b>	2001/0279, RO: 21/12/2001

**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: 31/03/2001

Member States which have notified: B, DK, EL, E, F, IR, I, L, NL, P, S

<b>GERMANY</b>	2001/0266, RO: 21/12/2001
<b>GREECE</b>	2001/0302, LET: 06/06/2001, Termination: 20/12/2001
<b>IRELAND</b>	2001/0287, LET: 06/06/2001, Termination: 20/12/2001
<b>ITALY</b>	2001/0273, LET: 06/06/2001, Termination: 20/12/2001
<b>NETHERLANDS</b>	2001/0257, LET: 06/06/2001, Termination: 20/12/2001
<b>AUSTRIA</b>	2001/0320, RO: 21/12/2001
<b>PORTUGAL</b>	2001/0314, LET: 06/06/2001, Termination: 20/12/2001
<b>FINLAND</b>	2001/0330, LET: 06/06/2001
<b>UNITED KINGDOM</b>	2001/0280, RO: 21/12/2001

**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: 31/03/2001

Member States which have notified: B, DK, EL, E, F, IR, I, L, NL, P, FI, S

<b>GERMANY</b>	2001/0267, RO: 21/12/2001
<b>GREECE</b>	2001/0303, LET: 06/06/2001, Termination: 20/12/2001
<b>IRELAND</b>	2001/0288, LET: 06/06/2001, Termination: 20/12/2001
<b>ITALY</b>	2001/0274, LET: 06/06/2001, Termination: 20/12/2001
<b>NETHERLANDS</b>	2001/0258, LET: 06/06/2001, Termination: 20/12/2001
<b>AUSTRIA</b>	2001/0321, RO: 21/12/2001
<b>PORTUGAL</b>	2001/0315, LET: 06/06/2001, Termination: 20/12/2001
<b>FINLAND</b>	2001/0331, LET: 06/06/2001, Termination: 20/12/2001
<b>UNITED KINGDOM</b>	2001/0281, RO: 21/12/2001

**32000L0081** Commission Directive 2000/81/EC of 18 December 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: 01/07/2001

Member States which have notified: B, DK, EL, E, IR, I, L, NL, P, S

<b>BELGIUM</b>	2001/0474, LET: 19/10/2001, Termination: 20/12/2001
<b>GERMANY</b>	2001/0496, LET: 19/10/2001
<b>SPAIN</b>	2001/0549, LET: 19/10/2001, Termination: 20/12/2001
<b>FRANCE</b>	2001/0452, LET: 19/10/2001
<b>ITALY</b>	2001/0508, LET: 19/10/2001, Termination: 20/12/2001
<b>AUSTRIA</b>	2001/0569, LET: 19/10/2001
<b>FINLAND</b>	2001/0591, LET: 19/10/2001
<b>SWEDEN</b>	2001/0582, LET: 19/10/2001, Termination: 20/12/2001
<b>UNITED KINGDOM</b>	2001/0518, LET: 19/10/2001

**32000L0082** Commission Directive 2000/82/EC of 20 December 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 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: 01/07/2001

Member States which have notified: B, DK, EL, E, IR, I, L, NL, P, S

<b>BELGIUM</b>	2001/0475, LET: 19/10/2001, Termination: 20/12/2001
<b>GERMANY</b>	2001/0497, LET: 19/10/2001
<b>SPAIN</b>	2001/0550, LET: 19/10/2001, Termination: 20/12/2001
<b>FRANCE</b>	2001/0453, LET: 19/10/2001
<b>ITALY</b>	2001/0509, LET: 19/10/2001, Termination: 20/12/2001
<b>AUSTRIA</b>	2001/0570, LET: 19/10/2001
<b>FINLAND</b>	2001/0592, LET: 19/10/2001
<b>SWEDEN</b>	2001/0583, LET: 19/10/2001, Termination: 20/12/2001
<b>UNITED KINGDOM</b>	2001/0519, LET: 19/10/2001

**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: 21/05/2001

Member States which have notified: B, DK, D, E, IR, I, NL, A, P, FI, S

<b>BELGIUM</b>	2001/0355, LET: 20/07/2001, Termination: 20/12/2001
<b>DENMARK</b>	2001/0397, LET: 20/07/2001, Termination: 20/12/2001
<b>GERMANY</b>	2001/0369, LET: 20/07/2001, Termination: 20/12/2001
<b>GREECE</b>	2001/0406, RO: 21/12/2001
<b>SPAIN</b>	2001/0410, LET: 20/07/2001, Termination: 20/12/2001
<b>FRANCE</b>	2001/0339, LET: 20/07/2001
<b>IRELAND</b>	2001/0390, LET: 20/07/2001, Termination: 20/12/2001
<b>ITALY</b>	2001/0378, LET: 20/07/2001, Termination: 20/12/2001
<b>LUXEMBOURG</b>	2001/0345, RO: 21/12/2001
<b>NETHERLANDS</b>	2001/0362, LET: 20/07/2001, Termination: 20/12/2001
<b>AUSTRIA</b>	2001/0430, LET: 20/07/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2001/0420, LET: 20/07/2001, Termination: 20/12/2001
<b>FINLAND</b>	2001/0442, LET: 20/07/2001, Termination: 20/12/2001
<b>SWEDEN</b>	2001/0436, LET: 20/07/2001, Termination: 20/12/2001
<b>UNITED KINGDOM</b>	2001/0384, RO: 21/12/2001

**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: 21/05/2001

Member States which have notified: B, DK, D, E, IR, I, NL, A, P, FI

<b>BELGIUM</b>	2001/0356, LET: 20/07/2001, Termination: 20/12/2001
<b>DENMARK</b>	2001/0398, LET: 20/07/2001, Termination: 20/12/2001
<b>GERMANY</b>	2001/0370, LET: 20/07/2001, Termination: 20/12/2001
<b>GREECE</b>	2001/0407, RO: 21/12/2001
<b>SPAIN</b>	2001/0411, LET: 20/07/2001, Termination: 20/12/2001
<b>FRANCE</b>	2001/0340, LET: 20/07/2001
<b>IRELAND</b>	2001/0391, LET: 20/07/2001, Termination: 20/12/2001
<b>ITALY</b>	2001/0379, LET: 20/07/2001, Termination: 20/12/2001
<b>LUXEMBOURG</b>	2001/0346, RO: 21/12/2001
<b>NETHERLANDS</b>	2001/0363, LET: 20/07/2001, Termination: 20/12/2001
<b>AUSTRIA</b>	2001/0431, LET: 20/07/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2001/0421, LET: 20/07/2001, Termination: 20/12/2001
<b>FINLAND</b>	2001/0443, LET: 20/07/2001, Termination: 20/12/2001
<b>SWEDEN</b>	2001/0437, LET: 20/07/2001
<b>UNITED KINGDOM</b>	2001/0385, RO: 21/12/2001

**32001L0035** Commission Directive 2001/35/EC of 11 May 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: 01/07/2001

Member States which have notified: B, DK, EL, E, IR, I, L, NL, P, S

<b>BELGIUM</b>	2001/0477, LET: 19/10/2001, Termination: 20/12/2001
<b>GERMANY</b>	2001/0499, LET: 19/10/2001
<b>SPAIN</b>	2001/0551, LET: 19/10/2001, Termination: 20/12/2001
<b>FRANCE</b>	2001/0454, LET: 19/10/2001
<b>ITALY</b>	2001/0511, LET: 19/10/2001, Termination: 20/12/2001
<b>AUSTRIA</b>	2001/0571, LET: 19/10/2001
<b>SWEDEN</b>	2001/0584, LET: 19/10/2001, Termination: 20/12/2001
<b>FINLAND</b>	2001/0593, LET: 19/10/2001
<b>UNITED KINGDOM</b>	2001/0520, LET: 19/10/2001

### ***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

<b>GERMANY</b>	1999/0618, Referral: 22/03/2001, Case C-2001/135
<b>FRANCE</b>	1999/0597, Referral: 23/01/2001, Case C-2001/026, Action withdrawn: 18/07/2001
<b>LUXEMBOURG</b>	1999/0601, Referral: 23/01/2001, Case C-2001/027, Action withdrawn: 18/07/2001
<b>AUSTRIA</b>	1999/0669, Termination: 18/07/2001

**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: 01/02/2000

Member States which have notified: all except D, F and UK

<b>BELGIUM</b>	2000/0392, RO: 30/01/2001, Termination: 20/12/2001
<b>GERMANY</b>	2000/0404, RO: 15/01/2001
<b>FRANCE</b>	2000/0377, RO: 17/01/2001
<b>ITALY</b>	2000/0412, RO: 15/01/2001, Termination: 20/12/2001
<b>NETHERLANDS</b>	2000/0397, RO: 24/01/2001, Termination: 20/12/2001
<b>FINLAND</b>	2000/0473, Termination: 20/12/2001
<b>SWEDEN</b>	2000/0465, RO: 30/01/2001, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2000/0420, RO: 15/01/2001

**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: 01/02/2000

Member States which have notified: all except D and UK

<b>BELGIUM</b>	2000/0391, RO: 01/02/2001, Termination: 20/12/2001
<b>GERMANY</b>	2000/0403, RO: 15/01/2001
<b>FRANCE</b>	2000/0376, RO: 16/01/2001, Termination: 18/07/2001
<b>ITALY</b>	2000/0411, RO: 15/01/2001, Termination: 20/12/2001
<b>NETHERLANDS</b>	2000/0396, RO: 15/01/2001, Termination: 18/07/2001
<b>FINLAND</b>	2000/0472, Termination: 18/07/2001
<b>SWEDEN</b>	2000/0464, RO: 15/01/2001, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2000/0419, RO: 15/01/2001

**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: 01/02/2000

Member States which have notified: all except EL and IR

<b>GREECE</b>	2000/0438, RO: 15/01/2001, Referral: 20/11/2001, Case C-2001/450
<b>IRELAND</b>	2000/0426, RO: 24/01/2001
<b>NETHERLANDS</b>	2000/0395, RO: 24/01/2001, Termination: 18/07/2001
<b>FINLAND</b>	2000/0471, Termination: 20/12/2001

**31999L0054** Commission Directive 1999/54/EC of 26 May 1999 amending Council Directive 66/402/EEC on the marketing of cereal seed

Deadline for transposal: 01/07/2000

Member States which have notified: all except D, EL and IR

<b>GERMANY</b>	2000/0812, RO: 25/07/2001
<b>GREECE</b>	2000/0846, RO: 26/07/2001
<b>IRELAND</b>	2000/0834, RO: 25/07/2001
<b>NETHERLANDS</b>	2000/0806, Termination: 18/07/2001
<b>AUSTRIA</b>	2000/0876, Termination: 18/07/2001



**PORTUGAL** 2000/0865, Termination: 20/12/2001  
**FINLAND** 2000/0895, Termination: 20/12/2001  
**SWEDEN** 2000/0888, Termination: 18/07/2001

**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, RO: 25/07/2001  
**FRANCE** 2000/0175, RO: 24/01/2001, Termination: 18/07/2001  
**LUXEMBOURG** 2000/0190, Termination: 18/07/2001  
**NETHERLANDS** 2000/0218, RO: 24/01/2001, Termination: 18/07/2001  
**PORTUGAL** 2000/0321, Termination: 18/07/2001  
**FINLAND** 2000/0369, Termination: 18/07/2001

**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, RO: 25/07/2001  
**FRANCE** 2000/0174, RO: 17/01/2001, Termination: 18/07/2001  
**LUXEMBOURG** 2000/0189, Termination: 18/07/2001  
**PORTUGAL** 2000/0320, Termination: 18/07/2001  
**FINLAND** 2000/0368, Termination: 18/07/2001

### ***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: 01/04/1998

Member States which have notified implementing measures: all except EL

**GREECE** 1998/0188, Judgment: 11/10/2001, Case C-1999/457

**31996L0024** Council Directive 96/24/EC of 29 April 1996 amending Directive 79/373/EEC on the marketing of compound feedingstuffs

Deadline for transposal: 30/06/1998

Member States which have notified implementing measures: all except EL

**GREECE** 1998/0323, LET: 228: 24/07/2001, Judgment: 08/03/2001, Case C-2000/176  
**UNITED KINGDOM** 1998/0484, Termination: 20/12/2001

**31996L0025** Council Directive 96/25/EC of 29 April 1996 on the circulation of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC  
Deadline for transposal: 30/06/1998

Member States which have notified implementing measures: all

**GREECE** 1998/0324, LET: 228: 24/07/2001, Termination: 20/12/2001  
**UNITED KINGDOM** 1998/0485, Termination: 20/12/2001

**31996L0051** Council Directive 96/51/EC of 23 July 1996 amending Directive 70/524/EC concerning additives in feedingstuffs

Deadline for transposal: 01/04/1998 and 01/10/1999

Member States which have notified implementing measures: all except I  
(deadline for transposal: 01/04/1998)

**GREECE** 1998/0189, Referral: 27/04/2001, Case C-2001/183  
**FRANCE** 1998/0203, Referral: 16/03/2001, Case C-2001/118  
**ITALY** 1998/0218, Judgment: 07/12/2000, Case C-1999/395

Member States which have notified implementing measures: all except I  
(deadline for transposal: 01/10/1999)

**FRANCE** 2000/0011, Referral: 16/03/2001, Case C-2001/118  
**GREECE** 2000/0106, Referral: 27/04/2001, Case C-2001/183  
**ITALY** 2000/0063, Referral: 21/03/2001, Case C-2001/128  
**UNITED KINGDOM** 2000/0071, Termination: 20/12/2001

**31997L0008** Commission Directive 97/8/EC of 7 February 1997 amending Council Directive 74/63/EEC on the fixing of maximum permitted levels for undesirable substances and products in feedingstuffs (Text with EEA relevance)

Deadline for transposal: 30/06/1998

Member States which have notified implementing measures: all

**FRANCE** 1998/0356, Case C-2000/403, Action withdrawn: 18/07/2001

**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: 01/01/1999

Member States which have notified implementing measures: all except EL and I

**GREECE** 1999/0133, Judgment 06/12/2001, Case C-2000/166  
**ITALY** 1999/0077, Judgment: 06/12/2001, Case C-2000/148

**31998L0067** Commission Directive 98/67/EC of 7 September 1998 amending Directives 80/511/EEC, 82/475/EEC, 91/357/EEC and Council Directive 96/25/EC and repealing Directive 92/87/EEC

Deadline for transposal: 31/12/1998

Member States which have notified implementing measures: all

**GREECE** 1999/0137, Judgment: 06/12/2001, Case C-2000/166, Action withdrawn: 20/12/2001

**UNITED KINGDOM** 1999/0097, Termination: 20/12/2001

**31998L0068** Commission Directive 98/68/EC of 10 September 1998 laying down the standard document referred to in Article 9(1) of Council Directive 95/53/EC and certain rules for checks at the introduction into the Community of feedingstuffs from third countries  
Deadline for transposal: 31/03/1999

Member States which have notified implementing measures: all

**GREECE** 1999/0402, Case C-2000/397, Action withdrawn: 18/07/2001  
**LUXEMBOURG** 1999/0346, Case C-2000/335, Action withdrawn: 18/07/2001  
**PORTUGAL** 1999/0415, Termination: 18/07/2001

**31998L0087** Commission Directive 98/87/EC of 13 November 1998 amending Directive 79/373/EEC on the marketing of compound feedingstuffs

Deadline for transposal: 30/06/1999

Member States which have notified implementing measures: all

**UNITED KINGDOM** 1999/0507, Termination: 20/12/2001

**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: 30/09/1999

Member States which have notified implementing measures: all except EL

**GREECE** 2000/0098, Referral: 20/04/2001, Case C-2001/173  
**FRANCE** 2000/0005, Referral: 16/03/2001, Case C-2001/118, Action withdrawn:  
10/10/2001  
**UNITED KINGDOM** 2000/0066, Termination: 18/07/2001

**31999L0076** Commission Directive 1999/76/EC of 23 July 1999 establishing a Community method of analysis for the determination of lasalocid sodium in feedingstuffs (Text with EEA relevance)

Deadline for transposal: 31/10/1999 and 01/02/2000

Member States which have notified implementing measures: all

**UNITED KINGDOM** 2000/0664, LET: - Termination: 18/07/2001

**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 except EL

**GREECE** 2000/0290, Referral: 21/11/2001, Case C-2001/451  
**UNITED KINGDOM** 2000/0251, RO: 09/02/2001, Termination: 20/12/2001

**31999L0079** Commission Directive 1999/79/EC of 27 July 1999 amending the third Commission Directive 72/199/EEC of 27 April 1972 establishing Community methods of analysis for the official control of feedingstuffs (Text with EEA relevance)

Deadline for transposal: 31/12/1999

Member States which have notified implementing measures: all

**GREECE** 2000/0289, RO: 15/01/2001, Termination: 18/07/2001  
**UNITED KINGDOM** 2000/0251, RO: 09/02/2001, Termination: 20/12/2001

**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: 03/05/2001

Member States which have notified: B, DK, D, IR, NL, A, FI, S

**BELGIUM** 2001/0349, LET: 20/07/2001, Termination: 20/12/2001  
**GERMANY** 2001/0365, LET: 20/07/2001, Termination: 20/12/2001  
**GREECE** 2001/0401, RO: 21/12/2001  
**SPAIN** 2001/0408, LET: 20/07/2001  
**FRANCE** 2001/0335, RO: 21/12/2001  
**IRELAND** 2001/0387, LET: 20/07/2001, Termination: 20/12/2001  
**ITALY** 2001/0372, LET: 20/07/2001  
**LUXEMBOURG** 2001/0342, RO: 21/12/2001  
**AUSTRIA** 2001/0424, LET: 20/07/2001, Termination: 20/12/2001  
**PORTUGAL** 2001/0414, RO: 21/12/2001  
**FINLAND** 2001/0439, LET: 20/07/2001, Termination: 20/12/2001  
**UNITED KINGDOM** 2001/0381, RO: 21/12/2001

**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: 31/08/2000

Member States which have notified: all except A

**DENMARK** 2001/0195, LET: 06/04/2001, Termination: 20/12/2001  
**GERMANY** 2001/0171, LET: 06/04/2001, Termination: 18/07/2001  
**GREECE** 2001/0201, LET: 06/04/2001, Termination: 20/12/2001  
**ITALY** 2001/0174, LET: 06/04/2001, Termination: 20/12/2001  
**LUXEMBOURG** 2001/0149, LET: 06/04/2001, Termination: 18/07/2001  
**AUSTRIA** 2001/0223, LET: 06/04/2001  
**PORTUGAL** 2001/0215, LET: 06/04/2001, Termination: 20/12/2001  
**UNITED KINGDOM** 2001/0181, LET: 06/04/2001, Termination: 20/12/2001

## **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, LET: 19/10/2001

**31998L0053** Commission Directive 98/53/EC of 16 July 1998 laying down the sampling methods and the methods of analysis for the official control of the levels for certain contaminants in foodstuffs (Text with EEA relevance)

Deadline for transposal: 31/12/2000

Member States which have notified: all

<b>BELGIUM</b>	2001/0023, LET: 15/02/2001, Termination: 18/07/2001
<b>DENMARK</b>	2001/0084, LET: 15/02/2001, Termination: 18/07/2001
<b>GERMANY</b>	2001/0044, LET: 15/02/2001, Termination: 18/07/2001
<b>GREECE</b>	2001/0095, LET: 15/02/2001, Termination: 18/07/2001
<b>SPAIN</b>	2001/0100, LET: 15/02/2001, Termination: 18/07/2001
<b>FRANCE</b>	2001/0005, LET: 15/02/2001, Termination: 18/07/2001
<b>IRELAND</b>	2001/0075, RO: 25/07/2001, Termination: 20/12/2001
<b>ITALY</b>	2001/0053, LET: 15/02/2001, Termination: 18/07/2001
<b>NETHERLANDS</b>	2001/0037, LET: 23/03/2001, Termination: 18/07/2001
<b>AUSTRIA</b>	2001/0120, LET: 15/02/2001, Termination: 18/07/2001
<b>PORTUGAL</b>	2001/0110, LET: 15/02/2001, Termination: 18/07/2001
<b>FINLAND</b>	2001/0137, LET: 15/02/2001, Termination: 18/07/2001
<b>SWEDEN</b>	2001/0129, LET: 15/02/2001, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2001/0066, LET: 23/03/2001, Termination: 20/12/2001

**31998L0066** Commission Directive 98/66/EC of 4 September 1998 amending Directive 95/31/EC laying down specific criteria of purity concerning sweeteners for use in foodstuffs

Deadline for transposal: 01/07/1999

Member States which have notified: all

**GERMANY** 1999/0487, Termination: 18/07/2001  
**IRELAND** 1999/0517, Termination: 18/07/2001

**31998L0072** Directive 98/72/EC of the European Parliament and of the Council of 15 October 1998 amending Directive 95/2/EC on food additives other than colours and sweeteners

Deadline for transposal: 04/05/2000

Member States which have notified: all

**GERMANY** 2000/0567, Termination: 18/07/2001  
**LUXEMBOURG** 2000/0511, Termination: 18/07/2001  
**PORTUGAL** 2000/0724, Termination: 18/07/2001

**31998L0086** Commission Directive 98/86/EC of 11 November 1998 amending Commission Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners

Deadline for transposal: 01/07/1999

Member States which have notified: all

**GERMANY** 1999/0488, Termination: 18/07/2001  
**IRELAND** 1999/0518, Termination: 18/07/2001

**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: 20/03/2001

Member States which have notified: all except B, F, and P

**BELGIUM** 2001/0248, RO: 21/12/2001  
**FRANCE** 2001/0239, LET: 06/06/2001  
**PORTUGAL** 2001/0309, LET: 06/06/2001

**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: 20/09/2000

Member States which have notified: DK, D, EL, E, F, IR, I, L, A, P, FI, S, UK

**31999L0021** Commission Directive 1999/21/EC of 25 March 1999 on dietary foods for special medical purposes

Deadline for transposal: 30/04/2000

Member States which have notified: all except D and I

**GERMANY** 2000/0562, RO: 25/07/2001  
**IRELAND** 2000/0623, RO: 05/02/2001, Termination: 18/07/2001  
**ITALY** 2000/0586, RO: 02/02/2001, Referral: 26/09/2001, Case C-2001/370  
**AUSTRIA** 2000/0741, Termination: 18/07/2001

**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)

Deadline for transposal: 30/06/2000 and 01/07/2002

Member States which have notified: all except UK

**AUSTRIA** 2000/0740, Termination: 18/07/2001  
**PORTUGAL** 2000/0717, Termination: 18/07/2001  
**UNITED KINGDOM** 2000/0603, RO: 25/07/2001

**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: 08/07/2000 and 08/07/2001

Member States which have notified: all except F and UK

<b>BELGIUM</b>	2000/0799, Termination: 18/07/2001
<b>DENMARK</b>	2000/0842, Termination: 18/07/2001
<b>GREECE</b>	2000/0848, Termination: 18/07/2001
<b>FRANCE</b>	2000/0788, RO: 27/07/2001
<b>ITALY</b>	2000/0821, RO: 27/07/2001, Termination: 20/12/2001
<b>LUXEMBOURG</b>	2000/0796, Termination: 18/07/2001
<b>AUSTRIA</b>	2000/0878, Termination: 18/07/2001
<b>PORTUGAL</b>	2000/0867, Termination: 18/07/2001
<b>SWEDEN</b>	2000/0889, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2000/0828, RO: 25/07/2001

**31999L0050** Commission Directive 1999/50/EC of 25 May 1999 amending Directive 91/321/EEC on infant formulae and follow-on formulae (Text with EEA relevance)

Deadline for transposal: 30/06/2000

Member States which have notified: all

<b>IRELAND</b>	2000/0620, RO: 05/02/2001, Termination: 18/07/2001
<b>ITALY</b>	2000/0583, Referral: 26/09/2001, Case C-2001/370, Action withdrawn: 20/12/2001
<b>AUSTRIA</b>	2000/0738, Termination: 18/07/2001
<b>PORTUGAL</b>	2000/0715, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2000/0601, RO: 25/07/2001, Termination: 20/12/2001

**31999L0075** Commission Directive 1999/75/EC of 22 July 1999 amending Commission Directive 95/45/EC laying down specific purity criteria concerning colours for use in foodstuffs (Text with EEA relevance)

Deadline for transposal: 01/07/2000

Member States which have notified: all

<b>GERMANY</b>	2000/0811, Termination: 18/07/2001
<b>IRELAND</b>	2000/0833, Termination: 18/07/2001
<b>LUXEMBOURG</b>	2000/0795, Termination: 18/07/2001
<b>AUSTRIA</b>	2000/0875, Termination: 18/07/2001
<b>PORTUGAL</b>	2000/0864, Termination: 18/07/2001
<b>SWEDEN</b>	2000/0887, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2000/0826, Termination: 18/07/2001

**31999L0091** Commission Directive 1999/91/EC of 23 November 1999 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: 31/12/2000

Member States which have notified: all

<b>BELGIUM</b>	2001/0019, LET: 15/02/2001, Termination: 18/07/2001
<b>DENMARK</b>	2001/0082, LET: 15/02/2001, Termination: 18/07/2001
<b>GERMANY</b>	2001/0042, LET: 15/02/2001, Termination: 18/07/2001
<b>GREECE</b>	2001/0090, LET: 15/02/2001, Termination: 18/07/2001
<b>SPAIN</b>	2001/0098, LET: 15/02/2001, Termination: 18/07/2001
<b>FRANCE</b>	2001/0007, LET: 15/02/2001, Termination: 18/07/2001
<b>IRELAND</b>	2001/0071, LET: 15/02/2001, Termination: 18/07/2001
<b>LUXEMBOURG</b>	2001/0015, LET: 15/02/2001, Termination: 18/07/2001
<b>NETHERLANDS</b>	2001/0030, LET: 23/03/2001, Termination: 18/07/2001
<b>AUSTRIA</b>	2001/0116, LET: 15/02/2001, Termination: 18/07/2001
<b>PORTUGAL</b>	2001/0106, LET: 15/02/2001, Termination: 18/07/2001
<b>FINLAND</b>	2001/0134, LET: 23/03/2001, Termination: 18/07/2001
<b>SWEDEN</b>	2001/0126, LET: 15/02/2001, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2001/0060, LET: 23/03/2001, Termination: 20/12/2001

**32000L0051** Commission Directive 2000/51/EC of 26 July 2000 amending Directive 95/31/EC laying down specific criteria of purity concerning sweeteners for use in foodstuffs (Text with EEA relevance)

Deadline for transposal: 30/06/2001

Member States which have notified: DK, D, EL, E, F, IR, L, P, FI

<b>BELGIUM</b>	2001/0353, LET: 20/07/2001
<b>DENMARK</b>	2001/0395, LET: 20/07/2001, Termination: 20/12/2001
<b>GERMANY</b>	2001/0367, LET: 20/07/2001, Termination: 20/12/2001
<b>IRELAND</b>	2001/0388, LET: 20/07/2001, Termination: 20/12/2001
<b>ITALY</b>	2001/0376, LET: 20/07/2001
<b>NETHERLANDS</b>	2001/0360, LET: 20/07/2001
<b>AUSTRIA</b>	2001/0428, LET: 20/07/2001
<b>PORTUGAL</b>	2001/0418, LET: 20/07/2001, Termination: 20/12/2001
<b>SWEDEN</b>	2001/0434, LET: 20/07/2001
<b>UNITED KINGDOM</b>	2001/0382, LET: 20/07/2001

**32000L0063** Commission Directive 2000/63/EC of 5 October 2000 amending Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners (Text with EEA relevance.)

Deadline for transposal: 31/03/2001

Member States which have notified: all

<b>BELGIUM</b>	2001/0251, LET: 06/06/2001, Termination: 20/12/2001
<b>DENMARK</b>	2001/0294, LET: 06/06/2001, Termination: 20/12/2001
<b>GERMANY</b>	2001/0268, LET: 06/06/2001, Termination: 20/12/2001
<b>SPAIN</b>	2001/0307, LET: 06/06/2001, Termination: 20/12/2001
<b>FRANCE</b>	2001/0242, LET: 06/06/2001, Termination: 20/12/2001
<b>IRELAND</b>	2001/0289, LET: 06/06/2001, Termination: 20/12/2001
<b>ITALY</b>	2001/0275, LET: 06/06/2001, Termination: 20/12/2001
<b>NETHERLANDS</b>	2001/0259, LET: 06/06/2001, Termination: 20/12/2001
<b>AUSTRIA</b>	2001/0322, LET: 06/06/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2001/0309, LET: 06/06/2001, Termination: 20/12/2001
<b>FINLAND</b>	2001/0332, LET: 06/06/2001, Termination: 20/12/2001
<b>UNITED KINGDOM</b>	2001/0282, LET: 06/06/2001, Termination: 20/12/2001

## ***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: 04/06/2000

Member States which have notified: all except E and L

<b>SPAIN</b>	2000/0702, RO: 09/03/2001, Referral: 17/10/2001, Case C-2001/414
<b>GREECE</b>	2000/0681, RO: 09/03/2001, Termination: 18/07/2001
<b>FRANCE</b>	2000/0497, RO: 13/02/2001, Termination: 20/12/2001
<b>IRELAND</b>	2000/0633, RO: 12/03/2001, Termination: 20/12/2001
<b>LUXEMBOURG</b>	2000/0517, RO: 13/02/2001
<b>NETHERLANDS</b>	2000/0554, Termination: 18/07/2001
<b>PORTUGAL</b>	2000/0730, RO: 09/03/2001, Termination: 18/07/2001
<b>FINLAND</b>	2000/0785, RO: 14/03/2001, Termination: 18/07/2001



**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: 23/04/2000

Member States which have notified: all except E, L and NL

**GREECE** 2000/0680, RO: 09/03/2001, Termination: 18/07/2001  
**SPAIN** 2000/0700, RO: 09/03/2001, Referral: 09/10/2001, Case C-2001/392  
**FRANCE** 2000/0495, RO: 13/02/2001, Termination: 20/12/2001  
**LUXEMBOURG** 2000/0516, RO: 13/02/2001  
**NETHERLANDS** 2000/0553, RO: 26/07/2001  
**FINLAND** 2000/0783, RO: 14/03/2001, Termination: 18/07/2001

**31998L0006** Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

Deadline for transposal: 18/03/2000

Member States which have notified: all

**GREECE** 2000/0679, RO: 09/03/2001, Termination: 18/07/2001  
**SPAIN** 2000/0698, RO: 09/03/2001, Termination: 18/07/2001  
**IRELAND** 2000/0630, RO: 12/03/2001, Termination: 20/12/2001  
**LUXEMBOURG** 2000/0514, RO: 13/02/2001, Termination: 20/12/2001

**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: 21/04/2000

Member States which have notified: all except E and F

**GREECE** 2000/0678, RO: 09/03/2001, Termination: 18/07/2001  
**SPAIN** 2000/0697, RO: 09/03/2001, Referral: 08/10/2001, Case C-2001/386  
**FRANCE** 2000/0492, RO: 09/03/2001  
**IRELAND** 2000/0629, RO: 12/03/2001, Termination: 18/07/2001  
**LUXEMBOURG** 2000/0513, RO: 09/03/2001, Termination: 20/12/2001

**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: 01/01/2001

Member States which have notified: DK, D, F, IR, I, NL, A, P, FI, S, UK

**BELGIUM** 2001/0161, RO: 21/12/2001  
**GERMANY** 2001/0171, LET: - Sent: 06/04/2001, Termination: 18/07/2001  
**GREECE** 2001/0206, RO: 21/12/2001  
**SPAIN** 2001/0213, RO: 21/12/2001  
**FRANCE** 2001/0146, LET: - Sent: 06/04/2001, Termination: 20/12/2001  
**IRELAND** 2001/0192, LET: - Sent: 06/04/2001, Termination: 20/12/2001  
**ITALY** 2001/0177, LET: - Sent: 06/04/2001, Termination: 20/12/2001  
**LUXEMBOURG** 2001/0154, LET: - Sent: 06/04/2001  
**PORTUGAL** 2001/0220, LET: - Sent: 06/04/2001, Termination: 20/12/2001  
**UNITED KINGDOM** 2001/0185, LET: - Sent: 06/04/2001, Termination: 18/07/2001

## TAXATION

### VAT

**32000L0017** Council Directive 2000/17/EC of 30 March 2000 amending Directive 77/388/EEC on the common system of value added tax — transitional provisions granted to the Republic of Austria and the Portuguese Republic

Deadline for transposal: 01/01/1999

Member States which have notified: all (concerns only A and P)

**AUSTRIA** 2000/0874, Termination: 18/07/2001  
**PORTUGAL** 2000/0862, Termination: 18/07/2001

### *Excise duties*

**32000L0044** Council Directive 2000/44/EC of 30 June 2000 amending Directive 92/12/EEC as regards temporary quantitative restrictions for products subject to excise duties brought into Sweden from other Member States (addressed to Sweden)

Deadline for transposal: 01/07/2000

Member States which have notified: all (concerns only S)

**SWEDEN** 2000/0886, Termination: 18/07/2001

## 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: 01/08/2000

Member States which have notified: all except F

**FRANCE** 2000/2215, RO: 05/02/2001, Referral: 03/07/2001, Case C-2001/259  
**LUXEMBOURG** 2000/2216, RO: 19/01/2001, Termination: 18/07/2001  
**PORTUGAL** 2000/2217, Termination: 28/03/2001

## ***Coal and oil***

**31998L0093** 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

Deadline for transposal: 01/01/2000

Member States which have notified: all

**ITALY** 2000/0241, Termination: 11/04/2001  
**PORTUGAL** 2000/0330, Termination: 11/04/2001

## ***Renewable energy and energy efficiency***

**31998L0011** Commission Directive 98/11/EC of 27 January 1998 implementing Council Directive 92/75/EEC with regard to energy labelling of household lamps (Text with EEA relevance)

Deadline for transposal: 14/06/1999

Member States which have notified: all

**ITALY** 1999/0492, Referral: 23/05/2001, Case C-2001/210, Action withdrawn: 20/12/2001

## **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: B, DK, D, EL, E, F, IR, I, L, NL, A, P, UK

**FINLAND** 2001/2025, LET: 23/04/2001, RO: 21/12/2001

**31982L0714** Council Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels

Member States which have notified: B, DK, D, EL, E, F, IR, I, L, NL, A, P, UK

**FINLAND** 2001/2024, LET: 23/04/2001, RO: 21/12/2001

**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: B, DK, D, EL, E, F, IR, I, L, NL, A, P, UK

**FINLAND** 2001/2023, LET: 23/04/2001, RO: 21/12/2001

**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: B, DK, D, EL, E, F, IR, I, L, NL, A, P, UK

**FINLAND** 2001/2022, LET: 23/04/2001, RO: 21/12/2001

**31996L0050** Council Directive 96/50/EC of 23 July 1996 on the harmonisation of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community

Deadline for transposal: 07/04/1998

Member States which have notified: all except F

**FRANCE** 1999/2003, Judgment: 20/09/2001, Case C-2000/468

**NETHERLANDS** 1998/0236, Termination: 11/04/2001

**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: DK, D, EL, E, IR, I, NL, A, P, FI, UK

**BELGIUM** 2000/0038, Referral: 12/07/2001, Case C-2001/274

**GREECE** 2000/0104, Referral: 19/03/2001, Case C-2001/127, Action withdrawn: 13/11/2001

**FRANCE** 2000/0010, Referral: 07/09/2001, Case C-2001/335

**ITALY** 2000/0062, Termination: 18/07/2001

**LUXEMBOURG** 2000/0025, Judgment: 13/12/2001, Case C-2001/107

**AUSTRIA** 2000/0138, Termination: 18/07/2001

**SWEDEN** 2000/0151, Referral: 17/12/2001, Case C-2001/490

**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: DK, E, F, L, NL, A, FI, S, UK

**BELGIUM** 2001/0468, LET: 19/10/2001

**GERMANY** 2001/0491, LET: 19/10/2001

**GREECE** 2001/0538, LET: 19/10/2001

**IRELAND** 2001/0524, LET: 19/10/2001

**ITALY** 2001/0502, LET: 19/10/2001

**LUXEMBOURG** 2001/0461, LET: 19/10/2001, Termination: 20/12/2001

**PORTUGAL** 2001/0555, LET: 19/10/2001

**31999L0052** Commission Directive 1999/52/EC of 26 May 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: B, DK, D, EL, E, F, I, L, NL, A, P, FI, S, UK

**GREECE** 2001/0092, LET: 15/02/2001, Termination: 18/07/2001

**IRELAND** 2001/0072, LET: 15/02/2001, RO: 26/07/2001

<b>LUXEMBOURG</b>	2001/0011, LET: 15/02/2001, Termination: 11/04/2001
<b>NETHERLANDS</b>	2001/0032, LET: 23/03/2001, Termination: 18/07/2001
<b>AUSTRIA</b>	2001/0118, LET: 15/02/2001, RO: 26/07/2001 Termination: 20/12/2001

**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: 01/07/2000

Member States which have notified: all except B

<b>BELGIUM</b>	2000/0910, RO: 25/07/2001, SRO: 21/12/2001
<b>DENMARK</b>	2000/0927, Termination: 18/07/2001
<b>GERMANY</b>	2000/0915, RO: 25/07/2001, Termination: 20/12/2001
<b>GREECE</b>	2000/0931, RO: 26/07/2001, Termination: 20/12/2001
<b>SPAIN</b>	2000/0934, RO: 26/07/2001, Termination: 20/12/2001
<b>FRANCE</b>	2000/0902, Termination: 18/07/2001
<b>IRELAND</b>	2000/0924, RO: 25/07/2001, Termination: 20/12/2001
<b>LUXEMBOURG</b>	2000/0906, Termination: 18/07/2001
<b>NETHERLANDS</b>	2000/0913, Termination: 18/07/2001
<b>AUSTRIA</b>	2000/0941, Termination: 18/07/2001
<b>PORTUGAL</b>	2000/0938, RO: 26/07/2001, Termination: 23/10/2001
<b>FINLAND</b>	2000/0947, Termination: 18/07/2001
<b>SWEDEN</b>	2000/0944, Termination: 19/09/2001

**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: 01/07/2001

Member States which have notified: DK, E, F, I, L, NL, FI, S, UK

<b>BELGIUM</b>	2001/0476, LET: 19/10/2001
<b>GERMANY</b>	2001/0498, LET: 19/10/2001
<b>GREECE</b>	2001/0543, LET: 19/10/2001
<b>IRELAND</b>	2001/0530, LET: 19/10/2001
<b>ITALY</b>	2001/0510, LET: 19/10/2001
<b>LUXEMBOURG</b>	2001/0465, LET: 19/10/2001, Termination: 20/12/2001
<b>PORTUGAL</b>	2001/0561, LET: 19/10/2001

### ***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: 08/04/1999

Member States which have notified: all except IR, A, FI, UK

<b>FRANCE</b>	1999/0337, Termination: 18/07/2001
<b>IRELAND</b>	1999/0383, Judgment: 13/12/2001, Case C-2000/372
<b>GREECE</b>	1999/0396, Judgment: 25/10/2000, Case C-2000/460, Termination: 13/11/2001
<b>AUSTRIA</b>	1999/0418, RO: 24/01/2000
<b>FINLAND</b>	1999/0428, Referral: 03/07/2001, Case C-2001/254
<b>SWEDEN</b>	1999/0424, Case C-2000/410, Action withdrawn: 18/07/2001
<b>UNITED KINGDOM</b>	1999/0377, Referral: 29/11/2000, Case C-2000/441

## ***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 except IR

**IRELAND** 1998/0042, LET: 228: 25/07/2001

**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: 01/01/1997

Member States which have notified: all except IR

**IRELAND** 1997/0506, LET: 228: 25/07/2001

**31996L0035** Council Directive 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway

Deadline for transposal: 31/12/1999

Member States which have notified: all

**GREECE** 2000/0306, RO: 02/02/2001, Termination: 28/03/2001

**IRELAND** 2000/0272, RO: 31/01/2001, Termination: 28/03/2001

**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 except IR

**GREECE** 1999/0397, Termination: 19/09/2001

**IRELAND** 1999/0384, Judgment: 20/09/2001, Case C-2000/370

**31996L0086** Commission Directive 96/86/EC of 13 December 1996 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 except IR

**IRELAND** 1998/0045, LET: 228: 25/07/2001

**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 except IR

**GREECE** 1999/0398, Termination: 19/09/2001

**IRELAND** 1999/0385, Judgment: 20/09/2001, Case C-2000/370

**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: 01/07/1999

Member States which have notified: all except IR

**GREECE** 2000/0294, RO: 24/01/2001, Termination: 13/11/2001  
**IRELAND** 2000/0265, RO: 31/01/2001, Referral: 24/09/2001, Case C-2001/365

**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

Deadline for transposal: 01/07/1999

Member States which have notified: all except IR, I

**GREECE** 2000/0293, RO: 24/01/2001, Termination: 19/09/2001  
**IRELAND** 2000/0264, RO: 31/01/2001, Referral: 24/09/2001, Case C-2001/366  
**ITALY** 2000/0239, RO: 29/12/2000

**32000L0018** Directive 2000/18/EC of the European Parliament and of the Council of 17 April 2000 on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway

Deadline for transposal: 19/08/2000

Member States which have notified: all

**ITALY** 2000/0819, Termination: 28/03/2001  
**IRELAND** 2000/0832, Termination: 28/03/2001  
**GREECE** 2000/0844, Termination: 28/03/2001  
**PORTUGAL** 2000/0861, Termination: 28/03/2001

## ***Air transport***

**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 except L

**GREECE** 1997/0047, Judgment: 05/04/2001, Case C-1999/494, Termination: 13/11/2001  
**LUXEMBOURG** 1997/0107, RO 228: 10/04/2001; Second referral (decision): 20/12/2001

**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: 28/02/1999 and 31/03/2002

Member States which have notified: all except IR

**IRELAND** 1999/0274, Referral: 31/08/2001, Case C-2001/327

**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: 01/09/1999

Member States which have notified: all except IR

**IRELAND** 2000/0073, Referral: 31/08/2001, Case C-2001/328

### ***Transport by sea***

**31995L0021** 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)

Deadline for transposal: 30/06/1996

Member States which have notified: all

**ITALY** 1996/0997, Termination: 28/03/2001

**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: 01/01/1999

Member States which have notified: all except NL

**NETHERLANDS** 1999/0044, Referral: 03/10/2000, Case C-2000/364

**31998L0018** Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships

Deadline for transposal: 01/07/1998

Member States which have notified: all except P

**LUXEMBOURG** 1999/0220, Termination: 18/07/2001

**PORTUGAL** 1999/0306, Referral: 24/07/2001, Case C-2001/281

**UNITED KINGDOM** 1999/0264, Termination: 17/01/2001

**31998L0025** Commission Directive 98/25/EC of 27 April 1998 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)

Deadline for transposal: 01/07/1998

Member States which have notified: all

**ITALY** 1999/0369, Termination: 28/03/2001

**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: 25/05/1999

Member States which have notified: all except L and NL

**ITALY** 1999/0493, Referral: 19/06/2001, Case C-2001/235  
Action withdrawn: 13/11/2001



**LUXEMBOURG** 1999/0452, Judgment: 03/07/2001, Case C-2000/297  
**NETHERLANDS** 1999/0474, RO: 05/04/2000  
**PORTUGAL** 1999/0555, Termination: 20/12/2001  
**AUSTRIA** 1999/0565, Termination: 19/09/2001

**31998L0041** Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community

Deadline for transposal: 31/12/1998

Member States which have notified: all

**NETHERLANDS** 1999/0237, Termination: 18/07/2001  
**AUSTRIA** 1999/0319, Termination: 18/07/2001

**31998L0042** Commission Directive 98/42/EC of 19 June 1998 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: 30/09/1998

Member States which have notified: all

**ITALY** 1999/0373, Termination: 28/03/2001

**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: 31/05/2000

Member States which have notified: all except B and NL

**BELGIUM** 2000/0530, RO: 29/01/2001, Referral: 11/12/2001, Case C-2001/479  
**NETHERLANDS** 2000/0548, RO: 07/05/2001

**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: B, DK, D, EL, E, F, IR, I, UK

**BELGIUM** 2001/0021, LET: 15/02/2001, RO: 26/07/2001  
Termination: 13/11/2001  
**GREECE** 2001/0094, LET: 15/02/2001, RO: 25/07/2001  
Termination: 13/11/2001  
**FRANCE** 2001/0002, LET: 15/02/2001, Termination: 19/09/2001  
**IRELAND** 2001/0073, LET: 15/02/2001, RO: 26/07/2001  
Termination: 13/11/2001  
**ITALY** 2001/0051, LET: 15/02/2001, Termination: 11/04/2001  
**NETHERLANDS** 2001/0032, LET: 23/03/2001, RO: 25/07/2001  
**AUSTRIA** 2001/0119, LET: 15/02/2001, RO: 24/07/2001  
**PORTUGAL** 2001/0108, LET: 15/02/2001, RO: 26/07/2001  
**FINLAND** 2001/0135, LET: 23/03/2001, RO: 26/07/2001  
**SWEDEN** 2001/0128, LET: 15/02/2001, RO: 24/07/2001  
**UNITED KINGDOM** 2001/0063, LET: 23/03/2001, Termination: 18/07/2001

**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: B, DK, D, EL, E, F, IR, I, A, P, FI, S, UK

<b>BELGIUM</b>	2001/0018, LET: 15/02/2001, RO: 26/07/2001 Termination: 23/10/2001
<b>DENMARK</b>	2001/0081, LET: 15/02/2001, Termination: 18/07/2001
<b>GERMANY</b>	2001/0041, LET: 15/02/2001, RO: 25/07/2001 Termination: 20/10/2001
<b>GREECE</b>	2001/0089, LET: 15/02/2001, RO: 26/07/2001 Termination: 13/11/2001
<b>FRANCE</b>	2001/0003, LET: 15/02/2001, Termination: 18/07/2001
<b>IRELAND</b>	2001/0070, LET: 15/02/2001, Termination: 18/07/2001
<b>LUXEMBOURG</b>	2001/0012, LET: 15/02/2001, RO: 26/07/2001
<b>NETHERLANDS</b>	2001/0029, LET: 23/03/2001, RO: 25/07/2001
<b>FINLAND</b>	2001/0133, LET: 23/03/2001, Termination: 18/07/2001
<b>SWEDEN</b>	2001/0125, LET: 15/02/2001, Termination: 18/07/2001
<b>UNITED KINGDOM</b>	2001/0059, LET: 23/03/2001, RO: 24/07/2001 Termination: 20/12/2001



## **ANNEXE 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**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
<b>Competition</b>									
<b>Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services</b>									
1998/2071	B	9/03/1999	judgment 30/11/2000	C-1999/384					Termination
1998/2072	P	4/05/1999	judgment 16/10/2001	C-1999/429					Ongoing
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
<b>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</b>									
1998/2071	B	9/03/1999	judgment 30/11/2000	C-1999/384					Termination
1998/2072	P	4/05/1999	judgment 16/10/2001	C-1999/429					Ongoing
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
<b>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)</b>									
1998/2071	B	9/03/1999	judgment 30/11/2000	C-1999/384					Termination
1998/2077	F	8/07/1999	judgment 6/12/2001	C-2000/146					Ongoing
<b>Education and Culture</b>									
<b>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</b>									
1992/2164	F	4/01/1994; 11/03/1997	action withdrawn	C-1999/140					Termination

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2001
<b>Employment and Social Affairs</b>									
<b>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</b>									
1990/2109	F	8/11/1994	judgment 13/03/1997	C-1996/197	30/01/1997	29/07/1998	10/06/1999	C-1999/224	Termination
1998/4904	F	15/06/2001							Ongoing
<b>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</b>									
1990/2144	I	4/08/1999	30/03/2001	C-2001/145					Ongoing
<b>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</b>									
1995/2134	DK	16/10/2000							Termination
1995/2136	IR	26/07/2001							Ongoing
1995/2137	I	19/10/1998	judgment 15/11/2001	C-2000/049					Ongoing
1995/2139	NL	30/12/1998	15/11/2001	C-2001/441					Ongoing
1997/2173	FI	26/07/2001							Ongoing
1997/2193	D	19/10/1998	6/01/2000	C-2000/005					Ongoing
1998/2015	B	9/07/1999							Termination
<b>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)</b>									
1998/2219	DK	29/12/2000							Termination
<b>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)</b>									
1998/2222	I	4/08/1999	14/02/2001	C-2001/065					Ongoing

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2001
<b>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)</b>									
1998/2224	I	9/07/1999	13/12/2000	C-2000/455					Ongoing
<b>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)</b>									
1998/2354	F	6/08/1999; 11/10/2001							Ongoing
1998/2359	S	6/08/1999							Termination
<b>Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organization of working time</b>									
1997/4778	DK	27/09/2001							Ongoing
<b>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</b>									
1999/2244	L	21/12/2001							Ongoing
<b>Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies</b>									
1998/2327	EL	16/08/1999							Termination
1998/4346	I	20/04/2001							Ongoing
1999/2028	P	29/12/2000	decision 20/12/2001						Ongoing
<b>Enterprise</b>									
<b>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</b>									
1996/2094	B	20/01/1998; 26/07/2001							Ongoing

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
<b>Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products</b>									
1998/2239	I	14/07/1999	3/10/2000	C-2000/365					Ongoing
<b>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</b>									
1996/4294	D	16/01/2001							Ongoing
<b>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</b>									
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
<b>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</b>									
1996/2094	B	20/01/1998; 26/07/2001							Ongoing
<b>Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment</b>									
1997/4213	D	21/10/1998	2/03/2001	C-2001/103					Ongoing
<b>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</b>									
1993/2294	I	28/11/1995	judgment 25/03/1999	C-1997/112	2/02/2000	23/10/2001			Ongoing
1996/4294	D	16/01/2001							Ongoing



**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2001
<b>Environment</b>									
<b>Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils</b>									
1990/5097	D	14/03/1995	judgment 09/09/1999	C-1997/102	18/09/2000	26/07/2001			Ongoing
1993/2115	P	27/11/1997	13/10/1999	C-1999/392					Ongoing
2000/2165	A	21/12/2001							Ongoing
<b>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</b>									
1989/0206	I	12/02/1991	action withdrawn	C-2000/375					Termination
<b>Council Directive 75/442/EEC of 15 July 1975 on waste</b>									
1989/0138	EL	5/03/1990	judgment 07/04/1992	C-1991/045	21/09/1995	6/08/1996	judgment 04/07/2000	C-1997/387	Termination
1998/2024	I	11/04/2001							Ongoing
1998/2391	UK	24/07/2001							Ongoing
1998/5056	D	27/07/2000	(decision) 20/12/2001						Ongoing
1999/4401	A	27/07/2000	4/05/2001	C-2001/194					Ongoing
2000/2034	B	7/05/2001							Ongoing
2000/2166	A	24/07/2001							Ongoing
<b>Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community</b>									
1997/4357	B	18/12/1998	judgment 14/06/2001	C-2000/230					Ongoing
1990/5220	IR	12/06/1992; 28/07/2000	(decision) 20/12/2001						Ongoing

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
<b>Council Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste</b>									
1989/0138	EL	5/03/1990	judgment 07/04/1992	C-1991/045	21/09/1995	6/08/1996	judgment 04/07/2000	C-1997/387	Termination
<b>Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds</b>									
1992/4279	I	7/08/1997	judgment 17/05/2001	C-1999/159	21/12/2001				Ongoing
1995/4543	FI	28/04/1999; 25/07/2001							Ongoing
1996/4016	S	4/11/1999	25/06/2001	C-2001/247					Ongoing
1998/4993	D	25/07/2001							Ongoing
1999/4095	D	25/07/2001							Ongoing
2000/2059	NL	26/07/2001							Ongoing
<b>Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substance</b>									
1997/4357	B	18/12/1998	judgment 14/06/2001	C-2000/230					Ongoing
<b>Council Directive 80/779/EEC of 15 July 1980 on air quality limit values and guide values for sulphur dioxide and suspended particulates</b>									
1998/4303	B	28/07/2000	(decision) 20/12/2001						Ongoing
<b>Council Directive 84/360/EEC of 28 June 1984 on the combating of air pollution from industrial plants</b>									
1997/4357	B	18/12/1998	judgment 14/06/2001	C-2000/230					Ongoing
<b>Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment</b>									
1989/0425	IR	28/04/1993	judgment 21/09/1999	C-1996/392	25/07/2000	26/07/2001			Ongoing
1990/0129	E	23/12/1992	14/12/1999	C-1999/474					Ongoing

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
1990/4710	D	4/07/1994	judgment 22/10/1998	C-1995/301	14/07/1999	1/02/2000	12/02/2001	C-2001/041	Termination
1991/2036	EL	1/08/2000	27/07/2001	C-2001/301					Ongoing
1991/2168	P	6/08/1996	judgment 21/01/1999	C-1997/150	14/07/1999				Termination
1993/2003	D	6/07/1998	1/02/1999	C-1999/024					Termination
1998/4303	B	28/07/2000	(decision) 20/12/2001						Ongoing
1999/2181	I	3/08/2000							Termination
1999/4323	UK	26/07/2001							Ongoing
<b>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</b>									
1999/2066	B	4/04/2000							Termination
1999/2176	A	17/04/2001							Ongoing
2000/2034	B	7/05/2001							Ongoing
<b>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</b>									
1991/2216	IR	25/05/1993	judgment 18/10/2001	C-1999/354					Ongoing
1997/2229	NL	1/08/2000	18/05/2001	C-2001/205					Ongoing
1998/2031	F	18/12/1998	19/04/2000	C-2000/152					Ongoing
<b>Council Directive 87/101/EEC of 22 December 1986 amending Directive 75/439/EEC on the disposal of waste oils</b>									
1990/5097	D	14/03/1995	judgment 09/09/1999	C-1997/102	18/09/2000	26/07/2001			Ongoing
1993/2115	P	27/11/1997	13/10/1999	C-1999/392					Ongoing

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
<b>Council Directive 89/369/EEC of 8 June 1989 on the prevention of air pollution from new municipal waste incineration plants</b>									
1993/2121	B	24/04/1998	action withdrawn	C-1999/287					Termination
2000/2299	A	26/07/2001							Ongoing
<b>Council Directive 89/429/EEC of 21 June 1989 on the reduction of air pollution from existing municipal waste-incineration plants</b>									
2000/2299	A	26/07/2001							Ongoing
<b>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</b>									
1993/2276	D	25/03/1997; 08/02/2000	22/05/2001 (decision)	C-2001/214					Termination
1993/2277	F	27/07/2000	20/12/2001						Ongoing
<b>Council Directive 90/219/EEC of 23 April 1990 on the contained use of genetically modified micro-organisms</b>									
1992/2248	F	19/05/2000	5/11/2001	C-2001/429					Ongoing
<b>Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms</b>									
1992/2304	F	5/04/2000	25/07/2001	C-2001/296					Ongoing
<b>Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment</b>									
1993/2058	F	8/02/1999	13/06/2000 judgment	C-2000/233					Ongoing
1994/2196	D	26/09/1996	09/09/1999	C-1997/217	28/07/2000	2/02/2001			Termination
1999/2123	A	27/07/2000	21/02/2001	C-2001/086					Ongoing
<b>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</b>									
1998/2307	B	1/08/2000	30/03/2001	C-2001/146					Ongoing

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
<b>Council Directive 91/156/EEC of 18 March 1991 amending Directive 75/442/EEC on waste</b>									
1998/2024	I	11/04/2001							Ongoing
1998/2329	I	14/07/1999	28/02/2000	C-2000/065					Ongoing
1998/2391	UK	24/04/2001							Ongoing
2000/2034	B	7/05/2001							Ongoing
<b>Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances</b>									
1998/4916	I	24/07/2001							Ongoing
<b>Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment</b>									
1997/2037	A	26/01/2000							Termination
<b>Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources</b>									
1994/2237	D	29/09/1998	27/04/2000	C-2000/161					Ongoing
1994/2238	IR	9/02/2001	10/10/2001 (decision)	C-2001/396					Ongoing
1994/2239	B	23/11/1998	20/12/2001						Ongoing
1996/2106	UK	9/06/1998	judgment 07/12/2000	C-1999/069	24/10/2001				Ongoing
1996/2232	I	19/02/1998	judgment 8/11/2001	C-1999/127					Ongoing
1999/2034	FI	18/09/2000							Termination
<b>Council Directive 91/689/EEC of 12 December 1991 on hazardous waste</b>									
1998/2024	I	11/04/2001							Ongoing
1998/2329	I	14/07/1999	28/02/2000	C-2000/065					Ongoing

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
1998/5056	D	27/07/2000	(decision) 20/12/2001						Ongoing
1999/4401	A	27/07/2000	4/05/2001	C-2001/194					Ongoing
2000/2034	B	7/05/2001							Ongoing
2000/2164	A	26/07/2001							Ongoing
<b>Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora</b>									
1998/2210	L	21/01/2000	14/02/2001	C-2001/075					Ongoing
1998/2226	B	10/02/2000	28/08/2001	C-2001/324					Ongoing
1998/2233	S	1/08/2000	16/07/2001	C-2001/279					Ongoing
1998/4993	D	25/07/2001							Ongoing
1999/2119	UK	25/07/2001							Ongoing
1999/2180	I	25/07/2001							Ongoing
2000/2059	NL	26/07/2001							Ongoing
<b>Council Directive 92/72/EEC of 21 September 1992 on air pollution by ozone</b>									
2001/2019	A	21/12/2001							Ongoing
<b>European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste</b>									
1991/4489	D	27/07/2000	3/12/2001	C-2001/463					Ongoing
1996/4515	DK	6/11/1998	1/07/1999	C-1999/246					Ongoing
1998/2329	I	14/07/1999	28/02/2000	C-2000/065					Ongoing
2000/2214	DK	26/07/2001							Ongoing

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
<b>Council Directive 94/67/EC of 16 December 1994 on the incineration of hazardous waste</b>									
1999/4400	A	17/01/2001							Ongoing
<b>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</b>									
1999/2181	I	3/08/2000							Termination
<b>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</b>									
1998/4916	I	24/07/2001							Ongoing
<b>Information society</b>									
<b>Council Directive 92/44/EEC of 5 June 1992 on the application of open network provision to leased lines</b>									
1995/2307	P	20/09/2000							Termination
1998/2374	L	26/01/2000							Termination
<b>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</b>									
1999/2242	P	20/09/2000	suspended						Ongoing
<b>Directive 97/13/EC 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</b>									
1998/2075	I	8/02/1999							Termination
1998/2121	F	17/05/1999; 30/10/2000							Termination
1998/2122	F	17/05/1999	suspended						Ongoing
1998/2124	L	8/02/1999	judgment 18/01/2001	C-1999/448					Termination
1998/2126	A	2/02/1999	action withdrawn	C-1999/446					Termination

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
1999/2130	D	26/01/2000	suspended						Ongoing
1999/2230	I	20/09/2000							Termination
<b>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)</b>									
1998/2122	F	17/05/1999	suspended						Ongoing
1998/2125	L	02/02/1999; 20/09/2000	(decision) 18/07/2001						Termination
1998/2131	B	15/04/1999	5/06/2001	C-2001/221					Ongoing
1998/2378	D	12/11/1999							Termination
<b>Directive 97/51/EC of the European Parliament and of the Council of 6 October 1997 amending Council Directives 90/387/EEC and 92/44/EEC for the purpose of adaptation to a competitive environment in telecommunications</b>									
1998/2374	L	26/01/2000							Termination
<b>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</b>									
2000/2236	I	25/07/2001	(decision) 20/12/2001						Ongoing
2000/2237	NL	25/07/2001							Ongoing
<b>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</b>									
1998/2375	L	26/01/2000; 21/12/2001							Ongoing
2001/2067	A	21/12/2001							Ongoing
<b>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</b>									
2000/2020	F	3/08/2000	(decision) 20/12/2001						Ongoing



**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
2000/2023	FI	22/09/2000							Termination

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2001
<b>Justice and Home Affairs</b>									
<b>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</b>									
1998/2051	EL	11/08/1999	suspended						Ongoing
<b>Internal Market</b>									
<b>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</b>									
1995/2179	I	11/06/1998	judgment 18/01/2001	C-1999/162					Termination
2000/2052	A	25/07/2001							Ongoing
<b>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</b>									
2000/2052	A	25/07/2001							Ongoing
<b>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</b>									
1998/2231	EL	11/08/1999	25/04/2000	C-2000/154					Ongoing
1998/2245	F	6/08/1999	17/02/2000	C-2000/052					Ongoing
<b>Council Directive 85/384/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products</b>									
1990/0349	E	21/04/1992	judgment 23/11/2000	C-1998/421					Termination

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2001
<b>Council Directive 85/614/EEC of 20 December 1985 amending, on account of the accession of Spain and Portugal, Directive 85/384/EEC 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</b>									
1990/0349	E	21/04/1992	judgment 23/11/2000	C-1998/421					Termination
<b>Council Directive 86/17/EEC of 27 January 1986 amending, on account of the accession of Portugal, Directive 85/384/EEC 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</b>									
1990/0349	E	21/04/1992	judgment 23/11/2000	C-1998/421					Termination
<b>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</b>									
1995/4918	E	23/11/1998							Termination
1996/2254	F	15/10/1998	judgment 10/05/2001	C-2000/285					Ongoing
2000/2116	E	26/07/2001							Ongoing
<b>Council Directive of 18 July 1989 amending Directive 71/305/EEC concerning coordination of procedures for the award of public works contracts</b>									
1993/2156	B	9/02/2001							Termination
<b>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</b>									
1994/2236	P	7/07/1997; 9/02/2001							Ongoing
1995/2054	E	25/08/1999	30/05/2000	C-2000/214					Ongoing
1997/2012	A	26/07/2001							Ongoing

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

Infringement No	MS	RO or SUPRO sent	Referral 226 EC	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2001
<b>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</b>									
1995/2082	F	8/11/1996	judgment 19/05/1999	C-1997/225	24/01/2001	26/07/2001			Ongoing
1995/2084	UK	8/07/1998	14/03/2001	C-2001/115					Ongoing
1997/2012	A	26/07/2001							Ongoing
<b>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)</b>									
1995/2046	F	5/03/1997	judgment 16/12/1999	C-1998/239	4/04/2000	18/09/2000			Ongoing
1995/2108	D	30/05/2000	26/07/2001	C-2001/298					Ongoing
1995/2109	FI	19/04/2001							Ongoing
1995/2112	B	17/06/1997	judgment 18/05/2000	C-1998/206	10/10/2000				Termination
1996/2079	F	3/12/1997	judgment 11/05/2000	C-1998/296	12/09/2000				Termination
1996/2134	F	20/04/2001							Ongoing
1996/2135	B	23/10/2001							Ongoing
1996/2137	FI	23/10/2001							Ongoing
2000/4317	I	27/10/2000	1/02/2001	C-2001/059					Ongoing
2001/2123	L	21/12/2001							Ongoing
<b>Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts</b>									
1997/4522	I	10/08/1998	17/10/2001	C-2001/412					Ongoing

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
<b>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</b>									
1995/4918	E	23/11/1998							Termination
1999/2216	EL	24/01/2001							Ongoing
2000/2116	E	26/07/2001							Ongoing
2000/2271	I	24/07/2001							Ongoing
<b>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)</b>									
1995/2046	F	5/03/1997	judgment 16/12/1999	C-1998/239	4/04/2000	18/09/2000			Ongoing
1996/2079	F	3/12/1997	judgment 11/05/2000	C-1998/296	12/09/2000				Termination
<b>Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts</b>									
1996/2104	E	24/01/2001							Ongoing
<b>Council Directive 93/37/EEC of 14 June 1993 concerning the coordination of procedures for the award of public works contracts</b>									
1993/2156	B	9/02/2001							Termination
1996/2105	E	24/01/2001							Ongoing
<b>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</b>									
2000/21117	B	25/07/2001							Ongoing
<b>Health and Consumer Protection</b>									
<b>Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours</b>									
1998/2388	L	19/10/2000	22/06/2001	C-2001/242					Ongoing

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
<b>Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts</b>									
1994/2170	NL	6/04/1998	judgment 10/05/2001	C-1999/144	5/11/2001				Ongoing
1998/2026	I	18/12/1998	6/10/1999	C-1999/372					Ongoing
1998/2032	S	21/12/1998	16/12/1999	C-1999/478					Ongoing
1998/2033	IR	9/03/2000							Termination
1999/2068	L	6/03/2000							Termination
<b>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</b>									
1998/2034	P	2/02/2001							Ongoing
1999/2042	E	25/05/2000							Termination
1999/2043	I	3/08/2000	19/03/2001	C-2001/124					Ongoing
<b>Energy and Transport</b>									
<b>Council Directive 91/439/EEC of 29 July 1991 on driving licences</b>									
1996/2214	EL	7/09/2000	suspended (decision)						Ongoing
1996/2220	NL	7/12/1998	20/06/2000	C-2000/246					Ongoing
1997/2028	A	1/03/2000	action withdrawn 13/11/2001	C-2001/178					Termination
1999/2167	E	26/07/2001							Ongoing
1999/2269	F	17/01/2001							Ongoing
<b>Council Directive 91/670/EEC of 16 December 1991 on mutual acceptance of personnel licences for the exercise of functions in civil aviation</b>									
1997/2143	F	19/01/1999							Termination

**NON-CONFORMITY OF NATIONAL MEASURES IMPLEMENTING DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
<b>Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports</b>									
1999/4472	I	24/07/2001							Ongoing
<b>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</b>									
2000/2171	B	1/02/2001	(decision) 26/09/2001						Ongoing
<b>Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships</b>									
1999/2135	B	7/09/2000	27/03/2001	C-2001/140					Ongoing
2000/2098	I	23/10/2001							Ongoing
<b>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</b>									
2000/2218	D	13/06/2001							Ongoing

## **ANNEX IV - PART 4**

### **INCORRECT APPLICATION OF 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)



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 31/12/2001
<b>Agriculture</b>									
<b>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</b>									
1994/2135	I	21/12/2001							Ongoing
1994/4603	D	11/12/1998	4/09/2000	C-2000/325					Ongoing
<b>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</b>									
1998/4757	I	27/01/1999							Termination
<b>Competition</b>									
<b>Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services</b>									
1996/2237	EL	17/12/1998	judgment 16/10/2001	C-1999/396					Termination
1999/4784	L	3/08/2000	27/02/2001	C-2001/097					Ongoing
<b>Commission Directive 96/2/EC of 16 January 1996 amending Directive 90/388/EEC with regard to mobile and personal communications</b>									
1996/2237	EL	17/12/1998	judgment 16/10/2001	C-1999/396					Termination
1998/2100	EL	17/12/1998	judgment 16/10/2001	C-1999/397					Ongoing
<b>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</b>									
1999/4784	L	3/08/2000	27/02/2001	C-2001/097					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 31/12/2001
<b>Education and Culture</b>									
<b>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</b>									
1994/4750	I	7/08/1997	action withdrawn	C-2000/191					Termination
1998/4572	E	24/01/2001							Ongoing
<b>Employment and Social Affairs</b>									
<b>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</b>									
1997/4779	P	2/02/2001	26/10/2001	C-2001/425					Ongoing
<b>Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC</b>									
2000/2003	UK	2/04/2001							Ongoing
<b>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</b>									
2000/2003	UK	2/04/2001							Ongoing
<b>Enterprise</b>									
<b>Council Directive 73/23/EEC of 19 February 1973 on the harmonization of the laws of Member States relating to electrical equipment designed for use within certain voltage limits</b>									
1995/4272	I	30/01/1997	judgment 5/04/2001	C-2000/100					Termination
<b>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</b>									

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 31/12/2001
1997/0007	IR	20/09/2000						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 31/12/2001
1997/0032	EL	22/01/1998							Termination
<b>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</b>									
1997/4349	FI	17/12/1998	8/06/2000	C-2000/229					Ongoing
<b>Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products</b>									
1994/4276	EL	4/12/1998							Termination
<b>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</b>									
1997/4054	D	7/04/2000	(decision) 23/10/2001						Ongoing
<b>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</b>									
1999/4086	P	20/04/2001							Ongoing
<b>Environment</b>									
<b>Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils</b>									
1999/2100	I	26/01/2000	judgment 11/12/2001	C-2000/376					Ongoing
2000/2193	IR	25/07/2001							Ongoing
2000/2231	UK	21/12/2001							Ongoing
2001/2042	P	23/10/2001							Ongoing

**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
<b>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</b>									
1992/4200	F	28/10/1997	judgment	8/03/2001	C-1999/266	21/12/2001			Ongoing
1998/2067	P	2/02/1999	judgment	12/12/2000	C-1999/435				Termination
<b>Council Directive 75/442/EEC of 15 July 1975 on waste</b>									
1990/0262	I	5/07/1996	judgment	09/11/1997	C-1997/365	27/07/2001			Ongoing
1993/0485	P	6/07/1998							Termination
1995/4485	NL	1/08/2000	(decision)	18/07/2001					Ongoing
1995/4727	D	19/02/1999		7/06/2000	C-2000/228				Ongoing
1997/2190	EL	29/09/1998	action withdrawn		C-2000/132				Termination
1997/4726	EL	3/08/1999		27/07/2001	C-2001/302				Ongoing
1998/2162	E	28/02/2000		20/11/2001	C-2001/446				Ongoing
1998/2203	I	21/12/2001							Ongoing
1998/5057	E	31/01/2001							Ongoing
1998/5091	I	23/10/2001							Ongoing
1999/2100	I	26/01/2000	judgment	11/12/2001	C-2000/376				Ongoing
1999/4006	I	11/04/2001							Ongoing
1999/4007	I	7/09/2000							Termination
1999/4797	I	23/10/2001							Ongoing

**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
1999/4809	I	7/09/2000							Termination
1999/5112	IR	26/07/2001	20/10/2001	C-2001/494					Ongoing
2000/2225	E	21/12/2001							Ongoing
2000/2315	EL	21/12/2001							Ongoing
2000/4044	E	26/07/2001	(decision) 20/12/2001						
<b>Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water</b>									
1986/0214	UK	2/02/1998	judgment 14/07/1993	C-1990/056	30/10/1998	21/01/2000	action withdrawn	C-2001/085	Termination
1989/0317	D	22/06/1994	judgment 08/06/1999	C-1997/198	28/07/2000				Ongoing
1989/0416	B	27/12/1996	judgment 25/05/2000	C-1998/307	1/02/2001				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	3/07/2000	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					Ongoing
1999/2136	FI	17/04/2000							Termination
1999/2142	S	26/01/2000	judgment 14/06/2001	C-2000/368					Ongoing
1999/2156	DK	7/04/2000	6/06/2001	C-2001/226					Ongoing
1999/2157	I	21/01/2000							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 31/12/2001
2000/2196	F	26/07/2001	(decision) 20/12/2001						
<b>Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community</b>									
1989/0303	EL	16/10/1992	judgment 11/06/1998	C-1995/232	18/12/1998	7/09/2000			Termination
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					Ongoing
1991/0205	B	6/08/1996	judgment 21/01/1999	C-1997/207	24/07/2001				Ongoing
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	C-1996-206	25/07/2001				Ongoing
1991/0556	P	25/05/1993	judgment 13/07/2000	C-1998/261	23/10/2001				Ongoing
1991/0642	I	25/05/1993	judgment 01/10/1998	C-1996/285	24/06/2001				Ongoing
1998/2067	P	2/02/1999	judgment 12/12/2000	C-1999/435					Termination
<b>Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry</b>									
1998/2067	P	2/02/1999	judgment 12/12/2000	C-1999/435					Termination
<b>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</b>									
1998/2067	P	2/02/1999	judgment 12/12/2000	C-1999/435					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 31/12/2001
<b>Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds</b>									
1987/0176	NL	14/06/1993	judgment 19/05/1998	C-1996/003	27/01/1999	2/02/2000			Termination
1988/0172	L	14/07/1997	suspended						Termination
1989/4910	F	28/11/1995	judgment 25/11/1999	C-1998/096	29/01/2001				Ongoing
1991/0640	F	13/09/1994	suspended						Termination
1991/4599	F	3/07/1995	judgment 19/03/1999	C-1997/166	27/10/1999	21/12/2001			Ongoing
1992/4052	F	19/12/1997							Termination
1992/4575	D	11/12/1998	suspended						Termination
1993/2165	I	18/08/1998	5/10/2001	C-2001/378					Ongoing
1994/4733	F	19/12/1997	judgment 07/12/2000	C-1998/374	25/07/2001	21/12/2001			Ongoing
1994/5069	EL	28/07/2000	suspended						Ongoing
1995/4554	P	21/12/2001							Ongoing
1995/4840	IR	8/04/1998	27/03/2000	C-2000/117					Ongoing
1997/2004	F	4/04/2000	16/05/2001	C-2001/202					Ongoing
1998/2068	E	26/07/2001							Ongoing
1998/2208	FI	17/12/1998	15/06/2000	C-2000/240					Ongoing
1998/2290	IR	23/10/2001							Ongoing
1998/4203	P	30/06/2000	suspended						Ongoing
1998/4341	E	4/08/1999	action withdrawn	C-2000/354					Ongoing



**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
1998/4440	A	13/11/2001							Ongoing
1998/4602	F	21/12/2001							Ongoing
1999/2212	E	31/01/2001							Ongoing
1999/4459	A	27/07/2000	(decision) 20/12/2001						Ongoing
1999/4809	I	7/09/2000							Termination
1999/4814	B	19/07/2000	19/10/2001	C-2001/415					Ongoing
1999/4815	F	25/07/2001							Ongoing
1999/4931	NL	25/07/2001	(decision) 20/12/2001						Ongoing
1999/5005	A	23/10/2001							Ongoing
1999/5109	B	7/09/2000	28/09/2001	C-2001/377					Ongoing
2000/2077	P	11/04/2001	(decision) 18/07/2001						Ongoing
2000/2213	L	21/12/2001							Ongoing
2000/4418	P	11/04/2001	suspended						Ongoing
<b>Council Directive 79/869/EEC of 9 October 1979 concerning the methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking water in the Member States</b>									
1998/2067	P	2/02/1999	judgment 12/12/2000	C-1999/435					Termination
<b>Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters</b>									
1996/4756	UK	9/07/1999							Termination

INCORRECT APPLICATION OF DIRECTIVES

Infringement No	MS	RO or SUPRO sent	Referral 226 EC Case	Case	LET 228 sent	RO 228 sent	Referral 228 EC	Case	Status on 31/12/2001
1998/2067	P	2/02/1999	judgment 12/12/2000	C-1999/435					Termination
2000/4210	IR	25/07/2001	(decision) 20/12/2001						Ongoing
<b>Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances</b>									
1998/2067	P	2/02/1999	judgment 12/12/2000	C-1999/435					Termination
1998/5057	E	31/01/2001							Ongoing
1999/4830	E	26/07/2001							Ongoing
2000/4044	E	26/07/2001	(decision) 20/12/2001						Ongoing
<b>Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption</b>									
1997/4409	IR	14/07/1999	21/08/2000	C-2000/316					Ongoing
1998/2067	P	2/02/1999	judgment 12/12/2000	C-1999/435					Termination
1998/2384	F	26/07/2001							Termination
1998/5083	P	7/04/2000							Termination
1999/2233	F	25/07/2001							Termination
2000/4248	E	26/07/2001							Ongoing
<b>Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment</b>									
1993/4085	P	6/07/1998							Termination
1995/4554	P	21/12/2001							Ongoing
1995/4840	IR	8/04/1998	27/03/2000	C-2000/117					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 31/12/2001
1996/4361	E	14/07/1999							Termination
1997/4442	E	27/07/2000	(decision) 18/07/2001						Ongoing
1997/4639	F	21/12/2001							Ongoing
1997/4703	IR	6/08/2001							Ongoing
1997/4726	EL	3/08/1999	27/07/2001	C-2001/302					Ongoing
1997/4773	L	25/07/2000	(decision) 20/12/2001						Ongoing
1998/2389	E	31/01/2001							Ongoing
1998/4155	E	26/07/2001							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							Ongoing
1999/4465	UK	26/07/2001							Ongoing
1999/4495	E	26/09/2000	7/06/2001	C-2001/227					Ongoing
1999/4715	I	26/07/2001	(decision) 20/12/2001						Ongoing
1999/4810	I	7/09/2000; 21/12/2001							Ongoing
1999/4830	E	26/07/2001							Ongoing

**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC Case</b>	<b>Status on 31/12/2001</b>
2000/4044	E	26/07/2001	(decision) 20/12/2001				Ongoing
2000/4616	IR	21/12/2001					Ongoing
2000/4777	IR	21/12/2001					Ongoing
<b>Commission Directive 85/411/EEC of 25 July 1985 amending Council Directive 79/409/EEC on the conservation of wild birds</b>							
1987/0176	NL	14/06/1993	judgment 19/05/1998	C-1996/003	27/01/1999	2/02/2000	Termination
1988/0172	L	14/07/1997					Termination
<b>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</b>							
1999/2100	I	26/01/2000	judgment 11/12/2001	C-2000/376			Ongoing
2000/2191	I	26/07/2001	(decision) 20/12/2001				Ongoing
<b>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</b>							
1997/4379	B	29/01/2001	suspended				Ongoing
1999/5144	E	21/12/2001					Ongoing
<b>Council Directive 87/101/EEC of 22 December 1986 amending Directive 75/439/EEC on the disposal of waste oils</b>							
2001/2042	P	23/10/2001; 21/12/2001					Ongoing
<b>Council Directive 89/369/EEC of 8 June 1989 on the prevention of air pollution from new municipal waste incineration plants</b>							
1993/4621	E	24/07/1998	11/04/2000	C-2000/139			Ongoing

**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
1999/4014	F	21/10/1999	12/02/2001	C-2001/060					Ongoing
1999/4809	I	7/09/2000							Termination
<b>Council Directive 89/429/EEC of 21 June 1989 on the reduction of air pollution from existing municipal waste-incineration plants</b>									
1999/4014	F	21/10/1999	12/02/2001	C-2001/060					Ongoing
1999/4809	I	7/09/2000							Termination
<b>Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms</b>									
1998/2023	F	19/07/1999							Termination
<b>Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment</b>									
1996/4055	D	28/10/1998	action withdrawn	C-2000/029					Termination
2000/4210	IR	25/07/2001	(decision) 20/12/2001						Ongoing
<b>Council Directive 91/156/EEC of 18 March 1991 amending Directive 75/442/EEC on waste</b>									
1997/2178	F	5/08/1998	3/08/1999	C-1999/292					Ongoing
1997/2179	L	6/08/1998	action withdrawn	C-2000/401					Termination
1997/2180	E	21/10/1998							Termination
1997/2181	IR	27/07/1998	action withdrawn	C-1999/461					Termination
1997/2182	I	21/10/1998	3/12/1999	C-1999/466					Ongoing
1997/2185	UK	23/04/1999	8/02/2000	C-2000/035					Ongoing

**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
1998/2203	I	21/12/2001							Ongoing
1998/5091	I	23/10/2001							Ongoing
1999/2238	L	25/07/2000	8/05/2001	C-2001/196					Ongoing
1999/4006	I	11/04/2001							Ongoing
1999/4007	I	7/09/2000							Termination
1999/4100	L	4/04/2000	19/12/2000	C-2000/458					Ongoing
1999/4797	I	23/10/2001							Ongoing
1999/4809	I	7/09/2000							Termination
1999/5112	IR	26/07/2001	20/10/2001	C-2001/494					Ongoing
2000/2315	EL	21/12/2001							Ongoing
<b>Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances</b>									
1999/2210	A	27/07/2000							Termination
2000/2194	D	25/07/2001							Ongoing
<b>Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment</b>									
1997/2069	E	11/12/1998	23/10/2001	C-2001/419					Ongoing
1998/2110	F	10/04/2001	(decision) 18/07/2001						Ongoing
1998/2194	D	28/10/1999	(decision) 20/12/2001						Ongoing
1998/2265	UK	19/04/2001							Ongoing

**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
1999/2020	I	21/01/2000	26/10/2000	C-2000/396					Ongoing
1999/2030	B	3/11/2000	(decision) 18/07/2001						Ongoing
1999/4336	EL	27/07/2001	(decision) 20/12/2001						Ongoing
2000/2014	EL	26/07/2001	(decision) 20/12/2001						Ongoing
2000/2017	EL	21/12/2001							Ongoing
2000/4044	E	26/07/2001	(decision) 20/12/2001						Ongoing
<b>Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources</b>									
1994/2246	F	9/07/1999	28/06/2000	C-2000/258					Ongoing
1996/2205	E	21/11/1997	judgment 13/04/2000	C-1998/274	24/07/2001				Termination
1997/2192	L	26/01/2000	judgment 8/03/2001	C-2000/266					Ongoing
1997/4750	B	9/11/1999	(decision) 18/07/2001						Ongoing
1998/2158	NL	3/08/1999	30/08/2000	C-2000/322					Ongoing
2000/2260	P	25/07/2001							Ongoing
<b>Council Directive 91/689/EEC of 12 December 1991 on hazardous waste</b>									
1997/2178	F	5/08/1998	3/08/1999	C-1999/292					Ongoing
1997/2179	L	6/08/1998	action withdrawn	C-2000/401					Termination
1997/2180	E	21/10/1998							Termination
1997/2181	IR	27/07/1998	action withdrawn	C-1999/461					Termination

**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
1997/2182	I	21/10/1998	3/12/1999	C-1999/466					Ongoing
1997/2185	UK	23/04/1999	8/02/2000	C-2000/035					Ongoing
1997/2190	EL	29/09/1998	action withdrawn	C-2000/132					Termination
1998/2173	F	23/07/1999							Termination
1998/2174	EL	17/12/1998	24/01/2001	C-2001/033					Ongoing
1998/5057	E	31/01/2001							Ongoing
1998/5091	I	23/10/2001							Ongoing
<b>Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment</b>									
1998/2067	P	2/02/1999	judgment 12/12/2000	C-1999/435					Ongoing
1999/2100	I	26/01/2000	3/10/2000	C-2000/376					Ongoing
2000/2191	I	26/07/2001	(decision) 20/12/2001						Ongoing
<b>Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora</b>									
1989/4910	F	28/11/1995	judgment 25/11/1999	C-1998/096	29/01/2001				Ongoing
1991/0640	F	13/09/1994							Termination
1991/4599	F	3/07/1995	judgment 19/03/1999	C-1997/166	27/10/1999	21/12/2001			Ongoing
1992/4052	F	19/12/1997							Termination
1994/4733	F	19/12/1997	judgment 07/12/2000	C-1998/374	25/07/2001	21/12/2001			Ongoing
1995/2224	FI	9/01/1998							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 31/12/2001
1995/2225	D	19/12/1997	judgment 11/09/2001	C-1999/071					Ongoing
1995/2228	NL	16/12/1997							Termination
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	27/03/2000	C-2000/117					Ongoing
1997/2004	F	4/04/2000	16/05/2001	C-2001/202					Ongoing
1997/4639	F	21/12/2001							Ongoing
1997/4969	D	2/02/2001							Ongoing
1998/2277	EL	15/06/1999	17/03/2000	C-2000/103					Ongoing
1998/2290	IR	23/10/2001							Ongoing
1998/2346	I	9/02/2001							Ongoing
1998/2389	E	31/01/2001							Ongoing
1998/4017	UK	2/02/2001	9/11/2001	C-2001/434					Ongoing
1998/4440	A	13/11/2001							Ongoing
1998/4602	F	21/12/2001							Ongoing
1998/4718	E	21/12/2001							Ongoing
1998/4855	P	23/10/2001; 21/12/2001							Ongoing
1999/2275	P	25/07/2000	(decision) 20/12/2001						Ongoing

**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
1999/4311	P	30/01/2001	(decision) 18/07/2001						Ongoing
1999/4809	I	7/09/2000							Termination
1999/5005	A	23/10/2001							Ongoing
1999/5199	F	21/12/2001							Ongoing
2000/4418	P	11/04/2001	suspended						Ongoing
2000/4616	IR	21/12/2001							Ongoing
2000/5242	S	26/07/2001							Ongoing
<b>European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste</b>									
1997/2178	F	5/08/1998	3/08/1999	C-1999/292					Ongoing
1997/2179	L	6/08/1998	action withdrawn	C-2000/401					Termination
1997/2180	E	21/10/1998							Termination
1997/2181	IR	27/07/1998	action withdrawn	C-1999/461					Termination
1997/2182	I	21/10/1998	3/12/1999	C-1999/466					Ongoing
1997/2185	UK	23/04/1999	8/02/2000	C-2000/035					Ongoing
1997/2190	EL	29/09/1998	action withdrawn	C-2000/132					Termination
1999/4222	E	26/01/2000							Termination

**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC Case</b>	<b>Status on 31/12/2001</b>
<b>Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)</b>							
1999/2254	D	19/01/2001	22/11/2001	C-2001/454			Ongoing
1999/2255	A	26/07/2001	(decision) 20/12/2001				Ongoing
1999/2257	DK	4/04/2001					Termination
1999/2258	E	18/09/2000	5/09/2001	C-2001/047			Ongoing
1999/2260	F	27/07/2000	24/04/2001	C-2001/177			Ongoing
1999/2261	EL	1/08/2000	(decision) 21/12/2001				Ongoing
1999/2262	IR	25/07/2000	16/03/2001	C-2001/120			Ongoing
1999/2263	I	3/08/2000	5/02/2001	C-2001/046			Ongoing
1999/2264	L	25/07/2000	23/04/2001	C-2001/174			Ongoing
1999/2266	P	1/08/2000	(decision) 18/07/2001				Ongoing
1999/2267	UK	3/08/2000; 21/12/2001					Ongoing
1999/2268	S	9/02/2001					Ongoing
<b>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</b>							
1999/4715	I	26/07/2001	(decision) 20/12/2001				Ongoing
2001/2223	E	21/12/2001					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 31/12/2001
<b>Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption</b>									
2001/2005	UK	24/07/2001	(decision) 20/12/2001						Ongoing
<b>Information society</b>									
<b>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</b>									
2001/2065	L	21/12/2001							Ongoing
<b>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</b>									
2000/2019	B	20/09/2000							Termination
2000/2022	A	20/09/2000							Termination
2000/2024	NL	1/08/2000; 30/04/2001							Ongoing
2000/2109	D	30/10/2000	(decision) 20/12/2001						Ongoing
2000/2110	UK	2/02/2001							Ongoing
2000/2238	F	30/04/2001	(decision) 20/12/2001						Ongoing
2000/2296	S	26/07/2001	(decision) 20/12/2001						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 31/12/2001
<b>Justice and Home Affairs</b>									
<b>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</b>									
1997/2207	D	24/07/2000	(decision) 19/09/2001						Ongoing
<b>Council Directive 90/364/EEC of 28 June 1990 on the right of residence</b>									
1994/2218	I	11/11/1996	judgment 25/05/2000	C-1998/424					Termination
<b>Council Directive 90/365/EEC of 28 June 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity</b>									
1994/2218	I	11/11/1996	judgment 25/05/2000	C-1998/424					Termination
<b>Council Directive 90/366/EEC of 28 June 1990 on the right of residence for students</b>									
1994/2218	I	11/11/1996	judgment 25/05/2000	C-1998/424					Termination
<b>Internal market</b>									
<b>Council Directive 71/305/EEC of 26 July 1971 concerning the coordination of procedures for the award of public works contracts</b>									
1999/4407	B	29/01/2001							Termination
<b>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</b>									
2000/4515	IR	26/07/2001							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 31/12/2001
<b>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</b>							
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
<b>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</b>							
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
<b>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</b>							
1998/4727	EL	18/09/2000	suspended				Ongoing
<b>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</b>							
1998/2227	B	13/08/1999	action withdrawn	C-2000/222			Termination
<b>Council Directive 85/432/EEC of 16 September 1985 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of certain activities in the field of pharmacy</b>							
1991/0820	I	23/12/1992	judgment 29/02/1996	C-1994/307	25/03/1997		Termination
<b>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</b>							
1998/2324	A	26/07/2001					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 31/12/2001
1999/2079	P	29/12/2000	(decision) 2/10/2001						Ongoing
1999/2126	D	21/12/2001							Ongoing
2000/4520	NL	11/10/2001							Ongoing
<b>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</b>									
1996/4698	A	29/10/1997	suspended						Termination
<b>Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts</b>									
1995/4379	B	10/03/1999	29/06/2001	C-2001/252					Ongoing
1996/4698	A	29/10/1997							Termination
1997/2136	UK	26/08/1999							Termination
1997/4134	I	21/12/2001							Ongoing
1997/4230	I	10/08/1998; 22/12/1998							Termination
1997/4498	I	2/03/1999							Termination
1997/4540	D	6/03/2000	23/01/2001	C-2001/028					Ongoing
1997/4872	UK	16/08/1999							Termination
1997/4949	I	16/08/1999							Termination
1998/4905	D	6/03/2000	16/01/2001	C-2001/020					Ongoing
1998/5025	B	9/02/2001							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 31/12/2001
1998/5040	E	21/12/2001							Ongoing
1999/4009	D	20/04/2001							Ongoing
1999/4247	I	18/09/2000							Termination
1999/4414	NL	30/04/2001							Ongoing
1999/4887	F	26/07/2001	(decision) 20/12/2001						Ongoing
1999/4892	NL	24/01/2001							Termination
1999/5157	D	25/07/2001							Ongoing
2000/4075	I	21/12/2001							Ongoing
2000/4268	I	19/09/2001							Ongoing
2000/4359	I	23/04/2001							Ongoing
2000/4724	EL	19/09/2001							Ongoing
2001/4111	A	21/12/2001							Ongoing
<b>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</b>									
1996/4801	I	21/06/2000	29/03/2001	C-2001/142					Ongoing
1999/2079	P	29/12/2000	(decision) 2/10/2001						Ongoing
1999/2126	D	21/12/2001							Ongoing



**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
1999/4237	F	25/07/2001	(decision) 20/12/2001						Ongoing
2000/4520	NL	11/10/2001							Ongoing
<b>Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property</b>									
1997/4602	UK	24/07/2000	suspended						Ongoing
2000/5123	B	21/12/2001							Ongoing
<b>Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts</b>									
1996/4698	A	29/10/1997							Termination
1998/5040	E	21/12/2001							Ongoing
1999/5076	D	20/04/2001							Ongoing
2000/4039	I	26/07/2001							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 31/12/2001
<b>Council Directive 93/37/EEC of 14 June 1993 concerning the coordination of procedures for the award of public works contracts</b>									
1995/2098	F	10/08/1998	judgment	C-1999/237					Termination
1995/2107	F	7/04/1997	judgment 26/09/2000	C-1998/225					Termination
1997/4134	I	21/12/2001							Ongoing
1997/4218	I	9/09/1998	action withdrawn	C-2000/155					Termination
1997/4493	E	25/08/1999	18/07/2000	C-2000/283					Ongoing
1998/4255	F	6/08/1999							Termination
1998/4420	D	30/01/2001							Ongoing
1998/5040	E	21/12/2001							Ongoing
1998/5068	D	8/09/2000							Termination
1999/4396	IR	9/02/2001							Termination
1999/5350	I	24/07/2001							Termination
2000/2290	I	21/12/2001							Ongoing
<b>Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors</b>									
1995/2252	F	7/04/1997	judgment 05/10/2000	C-1998/016					Termination
1998/4905	D	6/03/2000	16/01/2001	C-2001/020					Ongoing
1999/5157	D	25/07/2001							Ongoing
2000/4882	EL	21/12/2001							Ongoing

**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
2000/5147	EL	21/12/2001							Ongoing
<b>Council Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights</b>									
1996/2256	I	2/02/2000							Termination
<b>Health and consumer protection</b>									
<b>Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat</b>									
1999/2247	F	16/12/1999	judgment 13/12/2001	C-2000/001					Ongoing
1999/4183	S	21/12/2001							Ongoing
<b>Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat</b>									
1997/2138	UK	24/11/2000	suspended						Ongoing
<b>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</b>									
1995/2011	EL	13/03/1998	judgment 15/06/2000	C-1998/470					Ongoing
<b>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</b>									
1993/2267	NL	20/10/1994	judgment 13/09/2000	C-1997/341					Termination
<b>Council Directive 85/73/EEC of 29 January 1985 on the financing of health inspections and controls of fresh meat and poultrymeat</b>									
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 31/12/2001
<b>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</b>									
1993/2267	NL	20/10/1994	judgment 13/09/2000	C-1997/341					Termination
<b>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</b>									
1999/2141	B	5/10/1999							Termination
1999/2247	F	16/12/1999	judgment 13/12/2001	C-2000/001					Ongoing
1999/4183	S	21/12/2001							Ongoing
<b>Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market</b>									
1999/2141	B	5/10/1999							Termination
<b>Council Directive 90/667/EEC of 27 November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin and amending Directive 90/425/EEC</b>									
1997/2216	P	26/05/1998							Termination
<b>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</b>									
1995/2011	EL	13/03/1998	judgment 15/06/2000	C-1998/470					Ongoing
<b>Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market</b>									
1998/4306	I	3/08/2000							Termination

**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
<b>Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves</b>									
1999/2063	IR	24/07/2000							Termination
<b>Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs</b>									
1999/2063	IR	24/07/2000							Termination
<b>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</b>									
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
<b>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</b>									
1999/4183	S	21/12/2001							Ongoing
<b>Taxation and customs union</b>									
<b>Council Directive 69/335/EEC of 17 July 1969 concerning indirect taxes on the raising of capital</b>									
1991/2193	EL	23/02/1996	26/11/1998	C-1998/426					Ongoing
<b>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</b>									
1988/0200	IR	19/10/1989	judgment 12/09/2000	C-1997/358					Termination
1988/0202	UK	10/08/1989	judgment 12/09/2000	C-1997/359					Ongoing
1988/0213	F	28/08/1989	judgment 12/09/2000	C-1997/276					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 31/12/2001
1989/5085	F	22/12/1997	judgment 3/05/2001	C-1998/481					Termination
1992/4607	F	10/04/1996	18/12/1997	C-1997/429					Ongoing
1993/2229	D	23/03/1998	26/11/1998	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					Ongoing
1994/2290	NL	25/07/2001							Ongoing
1995/4515	F	5/03/1998	judgment 11/01/2001	C-1999/076					Termination
1996/2124	D	25/07/2001							Ongoing
1996/2187	B	25/07/2001							Ongoing
1997/2156	FI	4/11/1998	8/05/2000	C-2000/169					Ongoing
1997/2172	E	10/08/1998	judgment 18/01/2001	C-1999/083					Ongoing
1997/2215	F	17/11/1998	judgment 29/03/2001	C-1999/404					Termination
1997/4365	I	9/07/1999	judgment 25/10/2001	C-2000/078					Ongoing
1998/2103	F	10/03/1999	judgment 14/06/2001	C-1999/345					Ongoing
1998/2136	E	23/07/1999							Termination
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	20/07/2000	C-2000/287					Ongoing
1998/4401	F	19/07/1999	judgment 14/06/2001	C-2000/040					Ongoing

**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
1998/4747	D	24/01/2000	(decision) 20/12/2001						Ongoing
1999/2069	L	26/07/2001							Ongoing
1999/2121	A	23/10/2001							Ongoing
1999/2192	NL	23/06/2000							Termination
1999/2193	F	13/06/2000	5/10/2001	C-2001/384					Ongoing
1999/2235	E	26/09/2000	30/03/2001	C-2001/143					Ongoing
2000/2033	E	18/09/2000	30/03/2001	C-2001/144					Ongoing
2000/4017	F	21/12/2001							Ongoing
2001/4231	EL	21/12/2001							Ongoing
<b>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</b>									
1992/4607	F	10/04/1996	judgment 25/01/2001	C-1997/429					Termination
1999/2121	A	23/10/2001							Ongoing
<b>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</b>									
1997/2251	I	12/11/1999	12/11/2001	C-2001/437					Ongoing
1999/4037	B	4/08/2000							Termination
<b>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)</b>									
1994/2178	P	10/06/1997	judgment 8/03/2001	C-1998/276					Ongoing

**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC Case</b>	<b>Status on 31/12/2001</b>
<b>Council Directive 92/79/EEC of 19 October 1992 on the approximation of taxes on cigarettes</b>							
1998/4061	F	26/01/1999	7/08/2000	C-2000/302			Ongoing
<b>Council Directive 92/81/EEC of 19 October 1992 on the harmonization of the structures of excise duties on mineral oils</b>							
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
<b>Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils</b>							
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
<b>Council Directive 92/83/EEC of 19 October 1992 on the harmonization of the structures of excise duties on alcohol and alcoholic beverages</b>							
1997/4099	EL	10/08/1999	6/12/2001	C-2001/475			Ongoing
<b>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</b>							
1995/4689	UK	3/08/2000	(decision) 20/12/2001				Ongoing
<b>Council Directive 95/59/EC of 27 November 1995 on taxes other than turnover taxes which affect the consumption of manufactured tobacco</b>							
1994/4034	EL	17/06/1997	judgment 19/10/2000	C-1998/216			Termination
1998/4061	F	26/01/1999	7/08/2000	C-2000/302			Ongoing



**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
<b>Energy and transport</b>									
<b>Council Directive 91/439/EEC of 29 July 1991 on driving licences</b>									
1999/5019	DK	26/07/2001							Ongoing
<b>Council Directive 93/76/EEC of 13 September 1993 to limit carbon dioxide emissions by improving energy efficiency (SAVE)</b>									
2000/2253	I	26/07/2001							Termination
2000/2254	IR	23/10/2001							Ongoing
2000/2255	L	23/10/2001							Ongoing
<b>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</b>									
1996/2059	A	13/01/1997	judgment 26/09/2000	C-1998/205	21/12/2001				Ongoing
<b>Council Directive 94/57/EEC of 22 November 1994 on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations</b>									
1999/2008	I	16/05/2000							Termination
1999/2009	IR	24/01/2001							Termination
1999/2010	P	5/04/2000	action withdrawn 20/12/2001	C-2001/258					Termination
<b>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)</b>									
2000/2276	F	19/09/2001							Ongoing

**INCORRECT APPLICATION OF DIRECTIVES**

<b>Infringement No</b>	<b>MS</b>	<b>RO or SUPRO sent</b>	<b>Referral 226 EC</b>	<b>Case</b>	<b>LET 228 sent</b>	<b>RO 228 sent</b>	<b>Referral 228 EC</b>	<b>Case</b>	<b>Status on 31/12/2001</b>
2000/2277	IR	19/09/2001							Ongoing

**ANNEX V**

**Judgments of the Court of Justice up to 31.12.2001**

**not yet implemented**

# Belgium

## **Judgment given on 21/01/99, 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 have been commenced.

The Belgian authorities notified measures in September and October 2001. These are now being examined by the Commission's technical experts.

## **Judgment given on 14/09/99, Case C-170/98**

### Cargo-sharing arrangements in the bilateral agreement between Belgium and Zaire

The Commission considers that the additional protocol concluded with Congo on 8 June 1999 brought an end to the infringement.

The Belgian authorities have not confirmed the date of entry into force of the protocol.

Article 228 proceedings are continuing.

## **Judgment given on 14/09/99, Case C-171/98**

### Cargo-sharing arrangements in bilateral agreement between the BLEU and Togo

The Commission considers that the additional protocol concluded with Togo on 27 September 1999 brought an end to the infringement.

The Belgian authorities have not confirmed the date of entry into force of the protocol.

Article 228 proceedings are continuing.

## **Judgment given on 14/09/99, Case C-201/98**

### Cargo-sharing arrangements in bilateral agreements between Belgium and the MCWCS countries

The Commission considers that the agreements concluded with Senegal, Côte d'Ivoire and Mali have been properly adapted.

The Belgian authorities have not confirmed the date of entry into force of the protocol.

Article 228 proceedings are continuing.

**Judgment given on 09/03/00, Case C-355/98**

Restrictions in the field of private security firms

Article 228 proceedings have been commenced. The Belgian authorities notified the Commission of the Law of 10 June 2001 amending the Law of 10 April 1990. This legislation is not entirely satisfactory.

Contacts are continuing with the Belgian authorities.

**Judgment given on 25/05/00, Case C-307/98**

Partial conformity of legislation on the quality of bathing water

Article 228 proceedings have been commenced.

The Belgian authorities notified the Commission in September 2001 of legislation which only partially implements the Court's judgment.

In December 2001 they submitted further comments which are now being examined by the Commission.

**Judgment given on 14/06/01, 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.

The Commission will shortly be contacting the Belgian authorities to ascertain what measures are planned to comply with the Court's judgment.

## **Germany**

### **Judgment given on 08/06/99, Case C-198/97**

#### Quality of bathing water

Progress is being made.

The Commission departments want to study the data relating to the 2001 bathing season before deciding whether or not to terminate the case.

### **Judgment given on 09/09/99, Case C-102/97**

#### Disposal of waste oils, regeneration

Article 228 proceedings are continuing.

The German authorities have notified additional draft legislation and a timetable for its adoption.

The Commission departments have requested further information in order to check that the proposed measures fully comply with the Court's judgment.

### **Judgment given on 11/11/99, Case C-184/97**

#### Failure to notify programmes to reduce pollution caused by certain dangerous substances discharged into the aquatic environment of the Community

The German authorities notified the pollution reduction programmes for all of the Länder in November 2001.

These measures are being examined by the Commission.

### **Judgment given on 18/07/01, 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

The Commission has contacted the German authorities to ascertain what measures are planned to comply with the Court's judgment.

Progress is apparently being made, but the case should be examined in the light of a proposal to repeal Directive 85/73/EEC.

**Judgment given on 11/09/01, 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.

The Commission has contacted the German authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 25/10/01, Case C-493/99**

Hiring out of workers within a group

Recent judgment.

## Greece

### **Judgment given on 22/10/97, Case C-375/95**

#### Taxes on second-hand cars

Examination of the legislation notified by the Greek authorities led to the continuation of Article 228 proceedings in relation to the exclusion of imported second-hand cars from the reduced rate of special consumer tax applicable to cars manufactured using "anti-pollution" technology.

### **Judgment given on 15/10/98, 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.

### **Judgment given on 28/10/99, Case C-187/98**

#### Equal treatment of men and women in matters of social security

In November 2001 the Greek authorities notified legislation which is now being examined by the Commission.

### **Judgment given on 16/12/99, 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.

### **Judgment given on 25/05/00, Case C-384/97**

#### Failure to notify programmes to reduce pollution caused by certain dangerous substances discharged into the aquatic environment of the Community

Article 228 proceedings have been commenced.



The Greek authorities have notified measures which are currently being examined by the Commission.

**Judgment given on 15/06/00, 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.

**Judgment given on 16/11/00, 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.

**Judgment given on 14/12/00, Case C-457/98**

Failure to notify national measures implementing Council Directive 96/97/EC amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes

The Greek authorities have notified draft legislation. The Commission is awaiting its adoption.

**Judgment given on 08/03/01, Case C-176/00**

Failure to notify measures transposing Council Directive 96/24/EC amending Directive 79/373/EEC on the marketing of compound feeding stuffs

The Commission has contacted the Greek 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 11/10/01, Case C-457/99**

Failure to notify measures transposing 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

The Commission has contacted the Greek authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 16/10/01, Case C-397/99**

Incorrect application of Article 2(2) of Commission Directive 96/2/EC on mobile and personal communications.

The Greek authorities have notified measures which the Commission is currently examining.

**Judgment given on 25/10/01, Case C-398/98**

Storage and marketing of petroleum products

The Commission has contacted the Greek authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 06/12/01, Case C-148/00**

Non-communication of national 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

Recent judgment.

## **Spain**

### **Judgment given on 22/03/94, Case C-375/92**

#### Restrictions on freedom to provide services as tourist guides

Significant progress has been made.

The Spanish authorities have notified the decrees adopted by all of the Autonomous Communities with the exception of Andalusia.

The Commission is awaiting the formal adoption of these measures.

### **Judgment given on 12/02/98, Case C-92/96**

#### Incorrect application of Council Directive 76/160/EEC concerning the quality of bathing water as regards inland waters

The Spanish authorities notified measures which were not found to be satisfactory.

The case has been referred to the Court under Article 228(2).

Referral was accompanied by an application for penalties.

### **Judgment given on 25/11/98, 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)

Article 228 proceedings have been commenced.

In November 2001 the Spanish authorities sent a large amount of information which the Commission is now examining.

### **Judgment given on 18/01/01, Case C-83/99**

#### Incorrect application of the Sixth VAT Directive, reduced rate for motorway tolls

Progress is being made.

In October 2001 the Spanish authorities notified the Commission that the draft Finance Act for 2002 would abolish the contested reduced rate.

The Commission is awaiting official notification of the measures taken.

**Judgment given on 13/09/01, Case C-417/99**

Failure to notify measures transposing Council Directive 96/62/EC on ambient air quality assessment and management.

The Commission has contacted the Spanish authorities to ascertain what measures are planned to comply with the Court's judgment.

## **France**

### **Judgment given on 11/06/91, Case C-64/88**

#### Fisheries: failure to monitor compliance with technical conservation measures

Neither the comments made by the Commission inspectors in June 2001 nor the information notified by the French authorities demonstrate that the Court's judgment has been implemented.

The case is to be referred to the Court under Article 228(2) of the EC Treaty.

An application for penalties is being made.

### **Judgment given on 09/12/97, Case C-265/95**

#### Barriers to imports of Spanish strawberries

Following further incidents in the beef and veal sector, the Commission wrote to the French authorities in October 2001 to determine whether additional measures were needed to comply with the Court judgment.

### **Judgment given on 18/03/99, Case C-166/97**

#### Failure to classify an area of the Seine Estuary as an SPA and incomplete protection measures

In the absence of information about the implementation of measures to protect and manage the estuary, Article 228 proceedings continued.

In December 2001 the French authorities supplied further information which is now being examined.

### **Judgment given on 19/05/99, Case C-225/97**

#### Incorrect transposal of Council Directive 92/13/EEC on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (review procedures)

Progress is being made.

In October 2001 the French authorities notified the national measures transposing the Directive.

The Commission is awaiting publication of the circular in the French Official Journal (JORF).

**Judgment given on 25/11/99, Case C-96/98**

Deterioration of the Marais Poitevin

Article 228 proceedings are continuing.

In December 2001 the French authorities notified a proposed action plan for the Marais Poitevin which is now being examined by the Commission.

**Judgment given on 16/12/99, Case C-239/98**

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)

The French authorities have notified the Order on the Mutual Societies Code which has been published in the French Official Journal (JORF).

The Order was due to enter into force on 24 April 2002.

The Commission is still waiting for a number of implementing decrees.

**Judgment given on 15/02/00, Case C-34/98**

Social debt repayment contribution and frontier workers

Article 228 proceedings are continuing.

The French authorities have notified legislation amending the condition for liability to the general social security contribution (CSG) and the social debt repayment contribution (CRDS).

In December 2001 the Commission requested further details of the arrangements for refunds and limitation applying to contributions that were wrongly levied.

**Judgment given on 15/02/00, Case C-169/98**

Application of general social security contribution to frontier workers

Article 228 proceedings are continuing.

The French authorities have notified legislation amending the condition for liability to the CSG and the CRDS.

In December 2001 the Commission requested further details of the arrangements for refunds and limitation applying to contributions that were wrongly levied.

**Judgment given on 23/03/00, Case C-327/98**

Failure to notify national measures transposing 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

Article 228 proceedings have been commenced.

The French authorities have notified a draft Order providing for partial transposition of Article 12 of the Directive.

**Judgment given on 06/04/00, Case C-256/98**

Failure to notify national measures transposing Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora

Article 228 proceedings are continuing.

The French authorities have notified legislation transposing Article 6 of the Directive and two implementing decrees on the designation and management of Natura 2000 sites, dated 18 and 21.12.2001 respectively.

The case will be terminated very soon.

**Judgment given on 26/09/00, Case C-23/99**

Seizure of spare parts in transit - protection of designs - counterfeiting

Because the French Council of State has issued a negative opinion on the Decree which should have implemented the Court's judgment it will not be possible to introduce the legislative amendments that are required within a reasonable length of time.

Article 228 proceedings have been commenced.

**Judgment given on 23/11/00, Case C-319/99**

Failure to notify national measures transposing Directive 95/45/EC of the European Parliament and of the Council on the use of standards for the transmission of television signals

The French authorities have notified legislation transposing the Directive and laying down the technical specifications.

In December 2001 they notified three Orders completing transposal.

The case will be terminated very soon.

**Judgment given on 07/12/00, Case C-374/98**

Failure to classify a site as an SPA and inadequate conservation measures at Vingrau and Tautavel (Pyrénées Orientales)

Because the measures announced by the French authorities to comply with the Court's judgment lay down excessively long deadlines for implementation, Article 228 proceedings have been commenced and will continue.

**Judgment given on 07/12/00, 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

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

The French authorities have notified legislation which, on examination, has not proved to be satisfactory.

**Judgment given on 18/01/01, Case C-151/00**

Failure to notify national measures transposing Directive 97/66/EC of the European Parliament and of the Council concerning the processing of personal data and the protection of privacy in the telecommunications sector

The French authorities have notified a number of pieces of legislation but several articles of the Directive still have to be transposed.

Article 228 proceedings have been commenced and are continuing.

**Judgment given on 01/02/01, Case C-333/99**

Failure to fulfil the obligation to manage quotas and control fishing activities

The Commission does not have definitive data about catches in France since the Court's judgment was handed down. The Commission will shortly be contacting the French authorities to find out what measures they intend to take in order to comply with the judgment.



**Judgment given on 08/03/01, Case C-266/99**

Pollution of surface water intended for the abstraction of drinking water by nitrates in Brittany

The Commission contacted the French authorities to ascertain what measures were planned to comply with the Court's judgment.

Analysis of the reply revealed that the measures taken were inadequate.

Article 228 proceedings have been commenced.

**Judgment given on 15/03/01, 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

The Commission contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

The French authorities have urged the local authorities to carry out proper sampling and to measure the missing parameter.

However, this information is still not available for the years 1999-2000 and 2001.

**Judgment given on 10/05/01, 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

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

Progress is being made.

The French authorities have notified legislation aimed at implementing the Court's judgment.

The Commission is awaiting information about the date of entry into force of these measures.

**Judgment given on 14/06/01, Case C-40/00**

Deduction of VAT on diesel used as a fuel for vehicles which do not qualify for deduction

The French authorities have notified measures aimed at implementing the Court's judgment.

The Commission is awaiting the entry into force of these measures. The case will be terminated very soon.

**Judgment given on 14/06/01, Case C-84/00**

Limited range of grades preventing the marketing in France of articles made of precious metals which come from other Member States

In November 2001 the French authorities notified the Order which brings an end to the infringement by providing for the inclusion of the missing grade. The case will be terminated very soon.

**Judgment given on 11/09/01, 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

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 20/09/01, Case C-468/00**

Failure to notify national measures transposing Council Directive 96/50/EC on the harmonisation of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 06/12/01, 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

Recent judgment.

**Judgment given on 13/12/01, Case C-1/00**

Failure to comply with Community decisions on British beef

Recent judgment.

# Ireland

## **Judgment given on 21/09/99, 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

Article 228 proceedings are continuing.

In December 2001 the Irish authorities sent the Commission several draft pieces of legislation. The Commission is now awaiting formal notification of these measures.

## **Judgment given on 26/09/00, Case C-408/99**

Failure to notify national measures transposing Council Directive 94/55/EC on the transport of dangerous goods by road and Council Directive 96/86 adapting that Directive to technical progress

Article 228 proceedings have been commenced.

In a letter of 13.12.2001 the Irish authorities notified the legislation to implement the Court's judgment.

The case will be terminated very soon.

## **Judgment given on 14/12/00, Case C-347/99**

Failure to notify national measures transposing Council Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road

Article 228 proceedings have been commenced.

In a letter of 13.12.2001 the Irish authorities notified the legislation to implement the Court's judgment.

The case will be terminated very soon.

**Judgment given on 21/06/01, Case C-30/99**

Limited range of grades and requirement that articles made of precious metals bear a sponsor's mark approved by the Irish State, preventing the marketing in Ireland of such articles coming from other Member States

On 21.12.2001 the Irish authorities notified a new regulation which implements the Court's judgment.

The case will be terminated very soon.

**Judgment given on 11/09/01, 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

Article 228 proceedings have been commenced.

**Judgment given on 20/09/01, Case C-370/00**

Failure to notify national measures transposing Council Directives 96/49/EC and 96/87/EC on the transport of dangerous goods by rail

On 21.11.2001 the Irish authorities notified the legislation transposing the Directives into national law.

The case will be terminated very soon.

**Judgment given on 18/10/01, 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

The Commission has contacted the Irish authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 13/12/01, Case C-372/00**

Failure to notify measures transposing Council Directive 96/48/EEC on the inter-operability of the trans-European high-speed rail system

Recent judgment.

# Italy

## **Judgment given on 01/06/95, Case C-40/93**

### Admission to the profession of dentist

The Italian authorities have sent the published text of the Ministerial Decree organising the aptitude test.

The Commission is awaiting the actual organisation of the test, which should take place shortly.

Progress is being made.

## **Judgment given on 29/01/98, Case C-280/95**

### Failure to comply with Commission Decision 93/496/EEC of 9 June 1993 on the obligation to recover tax aid granted to professional road hauliers for 1992

Article 228 proceedings are continuing.

The Italian authorities have notified binding administrative acts setting up the national administrative procedures which will in principle make it possible to recover all of the aid in question.

The recovery procedure has not yet started.

## **Judgment given on 01/10/98, 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 measures notified by the Italian authorities are inadequate.

Article 228 proceedings have been commenced.

## **Judgment given on 25/03/99, Case C-112/97**

### Failure to allow the installation of gas appliances which comply with Council Directive 90/396/EEC

The authorities have notified new measures which also impose further restrictive requirements which do not appear to be justified.

Article 228 proceedings are continuing.

**Judgment given on 09/11/99, Case C-365/97**

Waste, San Rocco valley

The judgment has been partially implemented.

The Commission is still awaiting notification of the measures which will implement Article 8 of Council Directive 75/442/EEC on waste.

Article 228 proceedings are continuing.

**Judgment given on 09/03/00, Case C-386/98**

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 2000" which states their commitment to transposing the Directive within a year.

No measure having been notified, Article 228 proceedings have been commenced.

**Judgment given on 08/06/00, Case C-264/99**

Legislative barriers to the activities of hauliers

The Italian authorities have sent legislation implementing the Court's judgment.

The Decree sent to the Commission does not remove all of the requirements explicitly identified by the Court's judgment as being incompatible with the Treaty.

Article 228 proceedings have been commenced.

**Judgment given on 07/12/00, Case C-395/99**

Failure to notify national measures transposing Council Directive 96/51/EC amending Directive 70/524/EEC concerning additives in feedingstuffs and Council Directive 96/93/EC on the certification of animals and animal products

The Italian authorities have sent the text of the "Legge comunitaria 2000" which states their commitment to transposing the Directive very soon.

**Judgment given on 10/05/01, Case C-444/99**

Incorrect application of Council Directive 92/106, maintenance of quota system for road routes that are part of a combined transport operation

The Italian authorities have notified legislation implementing the Court's judgment.

The case will be terminated very soon.

**Judgment given on 17/05/01, Case C-159/99**

Non-conformity of Italian legislation with several provisions of Council Directive 79/409/EEC on the conservation of wild birds

The Italian authorities have sent the text of the "Legge comunitaria 2000" which states their commitment to implementing the Court's judgment.

However, no draft legislation or timetable has been notified to the Commission.

Article 228 proceedings have been commenced.

**Judgment given on 29/05/01, Case C-263/99**

Restrictions on exercising the activity of transport consultant

The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 31/05/01, Case C-283/99**

Restrictions on exercising private security activities, nationality requirement

Progress is being made.

The Italian authorities have informed the Commission that Article 22a of the draft "Legge comunitaria 2001", which extends the right to pursue activities in the area of private security services to all Community nationals, will be adopted by the Chamber of Deputies very soon.

**Judgment given on 26/06/01, Case C-212/99**

Discrimination against foreign-language assistants

The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.



**Judgment given on 04/07/01, Case C-447/99**

Discrimination as regards departure taxes and access for Community air carriers to intra-Community air routes

In November 2001 the Italian authorities notified legislation implementing the Court's judgment.

The case will be terminated very soon.

**Judgment given on 25/10/01, Case C-78/00**

Incorrect application of the Sixth VAT Directive (Council Directive 77/388/EEC), arrangements for refunds of excess VAT

Progress is being made.

The Commission have pursued their contacts with the Italian authorities to ascertain what measures are planned to comply with the Court's judgment, particularly the Decree implementing the Decree-Law providing for refunds to bondholders.

**Judgment given on 08/11/01, 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

The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 15/11/01, 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

The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 29/11/01, Case C-202/99**

Incorrect transposal of Council Directives 78/686/EEC and 78/687/EEC concerning the mutual recognition of diplomas and the activities of dental practitioners, respectively

Recent judgment.

**Judgment given on 06/12/01, Case C-148/00**

Failure to notify national measures transposing Commission Directive 98/51/EC 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

Recent judgment.

**Judgment given on 11/12/01, Case C-376/00**

Failure to produce the reports referred to in Article 18 of Council Directive 75/439/EEC on the disposal of waste oils for the period 1995 to 1997

Recent judgment.

# Luxembourg

## **Judgment given on 11/06/98, Case C-206/96**

Failure to establish pollution reduction programmes for 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

It appears from the information supplied by the Luxembourg authorities that programmes of measures have been implemented for the 99 substances in question.

However, as no binding legal instrument has been enacted Article 228 proceedings have been commenced.

## **Judgment given on 16/12/99, Case C-138/99**

Failure to notify national measures transposing Council Directive 94/56/EC establishing the fundamental principles governing the investigation of civil aviation accidents and incidents

Article 228 proceedings are continuing.

Since the Commission has not received the measures announced by the Luxembourg authorities, the case is to be referred to the Court under Article 228(2) of the Treaty.

The referral is accompanied by an application for penalties.

## **Judgment given on 08/03/01, 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 Commission has contacted the Luxembourg authorities to ascertain what measures are planned to comply with the Court's judgment.

Their reply is being examined.

## **Judgment given on 03/07/01, Case C-297/00**

Failure to notify measures transposing Council Directive 96/9/EC amending Directive 94/58/EC on the minimum level of training of seafarers

The Commission has contacted the Luxembourg authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 04/10/01, Case C-450/00**

Failure to notify national measures transposing Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data

The Commission has contacted the Luxembourg authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 13/12/01, Case C-107/01**

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

Recent judgment.

## **Netherlands**

### **Judgment given on 10/05/01, Case C-152/98**

Pollution of the Scheldt 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 Commission has contacted the Dutch authorities to ascertain what measures are planned to comply with the Court's judgment.

In December 2001 the Dutch authorities notified measures which are now being examined by the Commission.

### **Judgment given on 11/10/01, Case C-254/00**

Failure to notify national measures transposing Directive 95/47/EC of the European Parliament and of the Council on the use of standards for the transmission of television signals

Recent judgment.

### **Judgment given on 08/11/01, Case C-338/98**

Deduction of part of the allowance for business use of a private car; incorrect application of the Sixth Council Directive 77/388/EEC on turnover taxes

The Commission has contacted the Dutch authorities to ascertain what measures are planned to comply with the Court's judgment.

# Austria

## **Judgment given on 26/09/00, Case C-205/98**

### Increase in tolls on the Brenner motorway

The Commission has been pursuing its contacts with the Austrian authorities.

Article 228 proceedings have been commenced.

## **Judgment given on 14/06/01, 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 Commission has contacted the Austrian authorities to ascertain what measures are planned to comply with the Court's judgment.

The Austrian authorities have notified legislation which is now being examined by the Commission.

## **Judgment given on 11/10/01, 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

The Commission has contacted the Austrian authorities to ascertain what measures are planned to comply with the Court's judgment.

## **Judgment given on 11/10/01, Case C-110/00**

### Failure to notify national measures transposing Commission Directive 97/65/EC 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

The Commission has contacted the Austrian authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 27/11/01, 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

Recent judgment.

# Portugal

## **Judgment given on 04/07/00, Case C-84/98**

Cargo-sharing arrangements in the bilateral agreement between Portugal and Yugoslavia

Article 228 proceedings have been commenced.

The Portuguese authorities have sent information about the denunciation of the agreement with the FRY, Macedonia, Croatia and Bosnia which will take effect at the beginning of 2002.

## **Judgment given on 13/07/00, 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)

The Portuguese authorities have sent reports on the identification and monitoring of the 99 substances on list II in the Annex to the above Directive.

The documents submitted are undoubtedly essential, but do not constitute programmes within the meaning of Article 7 of the Directive.

Article 228 proceedings have been commenced.

## **Judgment given on 08/03/01, Case C-276/98**

Reduced rate of VAT on operations involving wine, appliances and machinery for forms of alternative energy, agricultural tools

The Commission has contacted the Portuguese authorities to ascertain what measures are planned to comply with the Court's judgment.

The Portuguese Budget Law provides for the application of the 12% rate of VAT to these products with effect from 01/01/2002, in accordance with Article 28(2)(c) of the Sixth VAT Directive.

The case will be terminated very soon.



**Judgment given on 26/06/01, Case C-70/99**

Discrimination as regards departure taxes and access for Community air carriers to intra-Community air routes

The Commission has contacted the Portuguese authorities to ascertain what measures are planned to comply with the Court's judgment.

In their reply, the Portuguese authorities have indicated their desire to pursue contacts with the Commission to discuss their proposals for legislation.

**Judgment given on 16/10/01, Case C-429/99**

Prohibition of call back services

Non-conformity of national measures transposing Commission Directive 90/388/EEC as amended by Directive 96/19/EC with regard to the implementation of full competition in telecommunications markets

The Commission has contacted the Portuguese authorities to ascertain what measures are planned to comply with the Court's judgment.

# United Kingdom

## **Judgment given on 12/09/00, Case C-359/97**

### Failure to levy VAT on tolls on roads and bridges

At a meeting in November 2001 the UK authorities indicated that progress could be expected at the beginning of 2002.

## **Judgment given on 07/12/00, Case C-69/99**

### Non-conformity of legislation on the protection of waters against pollution caused by nitrates from agricultural sources

The UK authorities have sent information about the measures taken to implement the Court's judgment.

However, these are still inadequate.

Article 228 proceedings have been commenced.

## **Judgment given on 13/11/01, Case C-427/00**

### Incorrect application of Council Directive 76/160/EEC concerning the quality of bathing water

Recent judgment.

## Sweden .

### **Judgment given on 14/06/01, Case C-368/00**

Incorrect application of Council Directive 76/160/EEC concerning the quality of bathing water

It appears from the information available to the Commission that the requirements of the Directive were complied with during the 2000 season.

However, as a number of sites were excluded there is still a need for examination by the Commission's technical experts. .

**ANNEX VI**

**APPLICATION OF COMMUNITY LAW  
BY NATIONAL COURTS: A SURVEY**

## 1. APPLICATION OF ARTICLE 234 OF THE EC TREATY<sup>1</sup>

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.<sup>2</sup>

## 2. NUMBER OF REFERENCES PER MEMBER STATE

	Year										
	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Belgium	17	16	22	19	14	30	19	12	13	15	10
Denmark	2	3	7	4	8	4	7	7	3	3	5
Germany	50	62	57	44	51	66	46	49	49	47	53
Greece	2	1	5	-	10	4	2	5	3	3	4
Spain	4	5	7	13	10	6	9	55	4	5	4
France	24	15	22	36	43	24	10	16	17	12	15
Ireland	1	-	1	2	3	-	1	3	2	2	1
Italy	18	22	24	46	58	70	50	39	43	50	40
Luxembourg	2	1	1	1	2	2	3	2	4	-	2
Netherlands	17	18	43	13	19	10	24	21	23	12	14
Austria					2	6	35	16	56	31	57
Portugal	3	1	3	1	5	6	2	7	7	8	4
Finland					-	3	6	2	4	5	3
Sweden					6	4	7	6	5	4	4
United Kingdom	13	15	12	24	20	21	18	24	22	26	21
Benelux	-	-	-	-	-	-	-	-	-	1	-
Total	186	162	204	203	251	256	239	264	255	224	237

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 237 cases constituted 47% of the 504 cases brought

<sup>1</sup> 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”.

<sup>2</sup> The last four reports 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 report for 2000 is accessible on the Commission’s website at ([http://europa.eu.int/comm/secretariat\\_general/sgb/droit\\_com/index\\_en.htm](http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm)).

before the Court of Justice in 2001. 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 2001, by Member State**

Belgium	-	-
Denmark	-	-
Germany	Bundesgerichtshof	7
	<i>Bundesverwaltungsgericht</i>	1
	Bundesfinanzhof	9
	Bundessozialgericht	3
Greece	Areios Pagos	1
	Symvoulío Epikrateias	1
Spain	<i>Tribunal supremo</i>	2
France	Cour de cassation	2
	Conseil d'État	3
Ireland	-	-
Italy	Corte suprema di cassazione	7
	Consiglio di Stato	5
Luxembourg	-	-
Netherlands	Raad van State	1
	Hoge Raad	8
	College van Beroep voor het Bedrijfsleven	1
Austria	Oberster Gerichtshof	9
	Bundesvergabeamt	8
	Verwaltungsgerichtshof	9
	Verfassungsgerichtshof	1
Portugal	Supremo Tribunal Administrativo	1
Finland	Korkein Hallinto-oikeus/Högsta förvaltningsdomstolen	2
Sweden	Regeringsrätten	2
United Kingdom	House of Lords	3
	Court of Appeal	7

### 3. SIGNIFICANT DECISIONS BY NATIONAL COURTS AND THE EUROPEAN COURT OF HUMAN RIGHTS

#### 3.1. *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.

#### 3.2. *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,<sup>3</sup> 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?

---

<sup>3</sup> Case 314/85 *Foto-Frost* [1987] ECR 4199 (judgment given on 22.10.1987).

## Question 1

In **Germany**, the Federal Constitutional Court (*Bundesverfassungsgericht*)<sup>4</sup> annulled a judgment given by the *Bundesverwaltungsgericht* for violation of the constitutional principle that no-one may be deprived of proper access to the courts enshrined in the second sentence of Article 101(1) of the Basic Law, in that the *Bundesverwaltungsgericht* had not made a reference to the Court of Justice for a preliminary ruling.

The *Bundesverfassungsgericht* was hearing a constitutional-law action brought by a registered woman doctor applying to work as an officially-approved doctor for social-security purposes in Hamburg, who had been denied the right to use the title of “general practitioner” by the Hamburg City Medical Council on the ground that she had not worked full-time with an officially-approved doctor for six months. In Hamburg, Directive 86/457 on specific training in general medical practice<sup>5</sup> and Directive 93/16 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications<sup>6</sup> have been transposed in such a way that since 1990 the City of Hamburg has required at least six months’ practical experience in approved clinics plus six months’ full time work in an approved general practice or recognised equivalent. The applicant met the first condition and had then worked in approved general practice for a whole year, but only part time.

Her action at first instance and her appeal failed. The *Bundesverwaltungsgericht* dismissed the application for review.<sup>7</sup> It based its decision on the mandatory provisions of Community law requiring six months’ full time experience in a general medical practice, which the applicant had not acquired. It was admitted that the Court of Justice had not yet ruled on the question whether such requirements were contrary to the prohibition on indirect sex discrimination. But even if the ban on indirect discrimination in Directive 76/207 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<sup>8</sup> was applicable in the instant case, there was no need to apply to the Court of Justice for a preliminary ruling. Community law itself, in Directives 86/457 and 93/16, clearly and unequivocally provided that training in general medicine must include periods worked full time. The *Bundesverwaltungsgericht* held that, by virtue of the principle that the specific provision prevails over the general, these Directives prevailed over the 1976 equal-treatment Directive. These provisions of Community law violated neither the principles of the State based on the rule of law nor the protection of fundamental rights.

---

<sup>4</sup> *Bundesverfassungsgericht*, Order made on 9.1.2001, 1 BvR 1036/99, *Zeitschrift für Wirtschaftsrecht* 2001, 350 (=Europäische Grundrechte 2001, 150-153; *Neue Juristische Wochenschrift* 2001, 1267; *Wertpapier-Mitteilungen* 2001, 749; *Europäische Zeitschrift für Wirtschaftsrecht* 2001, 255; *Deutsches Verwaltungsblatt* 2001, 720; *Die öffentliche Verwaltung* 2001, 379; *Juristen-Zeitung* 2001, 923; *Versicherungsrecht* 2001, 1179).

<sup>5</sup> Council Directive 86/457/EEC of 15.9.1986, OJ L 267, p. 26.

<sup>6</sup> Council Directive 93/16/EEC of 5.4.1993, OJ L 165, p. 1.

<sup>7</sup> *Bundesverwaltungsgericht*, judgment given on 18.2.1999, 3 C 10/98, *Entscheidungen des Bundesverwaltungsgerichts* 108, 289.

<sup>8</sup> Council Directive 76/207/EEC of 9.2.1976, OJ L 39, p. 40.



The *Bundesverfassungsgericht* upheld the applicant's claim by reference to its long line of cases<sup>9</sup> holding that the Court of Justice was a proper court for the purposes of the second sentence of Article 101(1) of the Basic Law and that the application had been deprived of access to it where a national court failed to discharge its obligation to seek a preliminary ruling from it. It held that a court against whose judgments there was no appeal was in breach of its obligation where it failed to seek a preliminary ruling. The same applied where the Court of Justice had not yet given judgment on the question of Community law that was likely to determine the outcome of a case or where the existing case-law did not adequately answer the question. The second sentence of Article 101(1) of the Basic Law was violated where the competent court of final jurisdiction went too far beyond the discretion it enjoyed in such circumstances. The *Bundesverfassungsgericht* could exercise its review on the basis of these criteria only if it was sufficiently acquainted with the reasons why the court giving judgment on the merits at the last instance had declined to seek a preliminary ruling from the Court of Justice. It accordingly held that in the instant case, as a court against whose judgments there was no appeal, the *Bundesverwaltungsgericht* had violated to an unacceptable degree its obligation to refer the question to the Court of Justice.

The *Bundesverfassungsgericht* held that the *Bundesverwaltungsgericht* had answered the question, which it had itself raised, of the conflict between directives in a manner that was not acceptable in terms of Community law. It had given a ruling on the question of the conflict between Directive 76/207 and Directives 86/457 and 93/16 without reference to the cases decided by the Court of Justice or to Community legislation, proceeding on the basis of national law alone. The *Bundesverwaltungsgericht* had not referred to a single decision of the Court of Justice regarding the problem of conflicts between directives, even though there were many of them. Nor had it specified on what instrument of Community legislation it based its own right to resolve the conflict on the basis of the principles of German law (principles of priority and speciality). And it had not stated grounds on the basis of which the *Bundesverfassungsgericht* could exercise its review under the second sentence of Article 101(1) of the Basic Law. The *Bundesverfassungsgericht* stated that a court that did not investigate Community law properly was in general breach of the conditions in which a reference for a preliminary ruling was mandatory.

The *Bundesverfassungsgericht* further held that the *Bundesverwaltungsgericht* was in breach of its obligation to seek a preliminary ruling and of the second sentence of Article 101(1) of the Basic Law by overlooking the fact that the principle of equal treatment of women and men was one of the fundamental principles of unwritten Community law recognised by the Court of Justice. It held that the equal treatment principle and the resultant ban on all forms of direct and indirect sex discrimination were among the general principles of Community law, developed by the Court of Justice as a mandatory criterion for assessing the validity of action taken by Community institutions. In the present case, the protection of the applicant's fundamental rights would be rendered

---

<sup>9</sup> See, for example, the Order made by the *Bundesverfassungsgericht* on 5 August 1998, 1 BvR 264/98, *Der Betrieb* 1998, 1919 (= *Zeitschrift für Wirtschaftsrecht* 1998, 1728; *Arbeit und Recht* 1998, 465; *Versicherungsrecht* 1998, 1399; *Europäische Zeitschrift für Wirtschaftsrecht* 1998, 728; *Neue Zeitschrift für Arbeitsrecht* 1998, 1245), cited in the XVIth annual report on monitoring the application of Community law.

nugatory if the *Bundesverfassungsgericht* was prevented by want of jurisdiction from reviewing the case on its merits in terms of fundamental rights and if the Court of Justice were prevented by the absence of references for preliminary rulings from reviewing Community secondary legislation in terms of Community guarantees as to fundamental rights.

Still in Germany, the *Bundesverfassungsgericht*<sup>10</sup> held that it was not required to apply to the Court of Justice for a preliminary ruling in a case concerning the ban on the National Democratic Party (*Nationaldemokratische Partei Deutschlands* – “NPD”) on the ground that it was incompatible with the Basic Law. The NPD had asked whether Community law precluded a Member State from prohibiting a political party which stood not only at national elections but also at European Parliament elections. In its Order the *Bundesverfassungsgericht* held that, since the rules governing political parties were not within the powers of the European Communities, there was no need for a preliminary ruling under point (a) of the first paragraph of Article 234 of the EC Treaty. In support of this conclusion, it argued first that Article 191 of the EC Treaty, relating to the role of political parties in the Union, was silent on the conditions in which a political party might be banned by a Member State. Second, it was clear from Article 190 of the EC Treaty and Article 7(2) of the Act of 20 September 1976 concerning the election of the representatives of the Assembly by direct universal suffrage<sup>11</sup> that rules governing the organisation of European Parliament elections were within the powers of the Member States, and under Article 12(2) of the Act a seat in Parliament could become vacant as a result of national provisions, including those relating to the prohibition of the party to which an MEP belonged on grounds of incompatibility with the Member State’s constitution. Lastly, on the basis of Article 51 of the Charter of Fundamental Rights of the European Union,<sup>12</sup> the *Bundesverfassungsgericht* held that the application of general principles of Community law, such as those concerning the State based on the rule of law, democracy and the protection of fundamental rights, was conditional on the Community and its Member States acting in the application of Community law.

The *Bundesverfassungsgericht*, considering that the Act concerning the election of the representatives of the Assembly by direct universal suffrage was not an act adopted by the Community institutions on the basis of the Treaties but was to be regarded, as the European Court of Human Rights had held in its judgment of 18 February 1999 in *Matthews v United Kingdom*,<sup>13</sup> as an agreement in public international law concluded within the field of application of the Treaty, held that there was no need for a reference to the Court of Justice for a preliminary ruling on the basis of point (b) of the first paragraph of Article 234 of the EC Treaty. The *Bundesverfassungsgericht* also held that there was no ground for a reference under Article 68(1) of the EC Treaty, as the case raised no questions relating to free movement of persons within the scope of Articles 61 *et seq.* And since the ban on the NPD by the German authorities was neither an act of the European

---

<sup>10</sup> *Bundesverfassungsgericht*, Order made on 22.11.2001, 2 BvB 1/01, 2 BvB 2/01, 2 BvB 3/01, published on the *Bundesverfassungsgericht* website at <http://www.bverfg.de>

<sup>11</sup> OJ L 78, p. 5.

<sup>12</sup> Charter of Fundamental Rights of the European Union, OJ C 364, p. 1.

<sup>13</sup> European Court of Human Rights, *Matthews v Royaume Uni*, *Revue trimestrielle de droit européen* 1999, p. 793-805.

Council nor an act of the Community institutions, the *Bundesverfassungsgericht* held that the application for a reference on the basis of Article 46(d) of the Union Treaty, read with Article 234 of the EC Treaty, was also inadmissible.

In **Belgium**, the *Cour d'arbitrage*, by judgment given on 21 December 2000,<sup>14</sup> declared that it was not required to apply to the Court of Justice for a preliminary ruling on section 50 bis of the Compulsory Sickness Insurance Act (14 July 1994), as amended by section 121 of the Act of 25 January 1999. The section determines the maximum that doctors may charge for procedures performed in hospitals. Several doctors applied for the annulment of sections 121 and 122 (second paragraph) of the Act of 25 January 1999, which inserted section 50 bis. In particular the applicants asked the *Cour d'arbitrage* to apply to the Court of Justice for a preliminary ruling on the question whether Articles 3(g), 4, 10 and 81 of the EC Treaty must be interpreted as precluding national provisions imposing maximum rates for fees charged for medical procedures performed in hospitals. The *Cour d'arbitrage*, considering that it was not enough to rely on a combination of specific provisions of Community law with Articles 10 and 11 of the Constitution to prompt it to secure respect for them, held that it would be exceeding its jurisdiction if it decided that every violation of Community law implied a violation of the principle of equality. It added that it could have regard to Community law when exercising its review function only if violation of that law was liable to affect a particular category of persons and if it was made clear what form the offending inequality took and in relation to what other category of persons. Considering that the applicants had not provided this information, it concluded that there was no need for it to consider the argument that there was a violation of Articles 10 and 11 of the Constitution, read with the provisions of Community law governing competition, nor to put questions to the Court of Justice.

Again in Belgium, the President of the Civil Court (*Tribunal Civil*) for Liège, by judgment given on 22 September 2000,<sup>15</sup> declined to request a preliminary ruling in a dispute between Microsoft Corporation, an American firm, and Microsoft SPRL, a Belgian firm, and their Belgian software product distributors. The applicant firms, on the basis of section 87 of the Computer Programs (Legal Protection) Act of 30 June 1994, applied for an order prohibiting the defendants from distributing copies of certain Microsoft computer programmes to third parties. The defendants in turn applied for a number of questions to be put to the Court of Justice for preliminary rulings concerning the existence of unfair exploitation of a dominant position within the meaning of Article 82 of the EC Treaty. The Civil Court dismissed this application on the ground that the primary purpose of copyright was to generate a monopoly and the relevant legislation aimed to protect the exclusive rights enjoyed by the copyright holder, but it expressed reservations as to the possibility of applying for a preliminary ruling in the course of “quasi-interlocutory” proceedings, particularly as regards the protection of copyright, where speed was of the essence.

---

<sup>14</sup> *Cour d'arbitrage*, judgment No 136/2000, 21.12.2000, *Cour d'arbitrage*, arrêts 2000, p. 1797-1832, also accessible at <http://www.arbitrage.be>

<sup>15</sup> *Tribunal civil*, Liège (President), 22 September 2000, *Jurisprudence de Liège*, Mons, Bruxelles, 2001/5, p. 214-216.

In another Belgian case, the Commercial Court (*Rechtbank van Koophandel*) at Antwerp<sup>16</sup> received an application concerning the payment of a special contribution to the scrapping fund provided for by Article 8(1)(a) of Council Regulation No 1101/89 of 27 April 1989 on structural improvements in inland waterway transport.<sup>17</sup> Wiljo, a Belgian company, applied to the Commission for exemption from the contribution, arguing that its boat was in the category of specialised boats eligible for exemption under Article 8(3)(c). The exemption was refused. The Court of Justice was asked for a preliminary ruling on the validity of this decision. The Court of Justice held<sup>18</sup> that “where a Commission decision has been addressed to the owner of a vessel, finding that his vessel is not a specialised vessel within the meaning of Article 8(3)(c) of Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in inland waterway transport, and the addressee has not brought an action under the fourth paragraph of Article 173 of the EC Treaty against the decision within the time-limit prescribed, that decision is binding on the national court”. The Commercial Court followed this judgment and ordered Wiljo to pay the contribution to the Belgian State. It held that there was no need for it to seek a further preliminary ruling on the question whether or not there was a general principle of law that, as provided by Article V of Council of Europe Resolution No (77)31 and by the legislation of many Member States, an individual decision imposing a financial burden that is notified in written form must clearly state the possible redress procedures and the time within they must be commenced. The Commercial Court held that the answer to this question would not further enlighten the case and that Wiljo should have brought its action against the Commission rather the Belgian State as Belgium acted solely as the national agent implementing Community rules and was bound by the Commission decision.

In **Spain**, the Supreme Court (*Tribunal supremo*) felt no need to put a question to the Court of Justice for a preliminary ruling in a case concerning Article 12 of Commission Regulation (EEC) No 1984/83 of 22 June 1983 on the application of Article 85 (3) of the Treaty to categories of exclusive purchasing agreements (OJ L 173, 30.6.1983, p. 5), more specifically to service stations. Despite a letter from the Commission criticising the interpretation put on it by the court at first instance, the *Tribunal supremo* dismissed the action in cassation, disregarding the Commission’s position as it was made known after the dispute and indeed after the relevant contract had been concluded.<sup>19</sup>

In a case concerning the transposal of Directive 80/987 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer,<sup>20</sup> the *Tribunal superior de justicia* for Castilla-La Mancha<sup>21</sup> held that there was no need to apply to the Court of Justice for a preliminary ruling. The question was whether the requirement imposed by national provisions for judicial

---

<sup>16</sup> *Rechtbank van koophandel*, Antwerpen, 5de kamer, decision of 2.11.2000, A.R. 95/06314, Rép. 197/14, NV Wiljo / Belgische Staat (Minister van Verkeer en Infrastructuur).

<sup>17</sup> OJ L 116, p. 25.

<sup>18</sup> Case C-178/95 *Wiljo NV* [1997] ECR I-0585 (judgment given on 30.1.1997).

<sup>19</sup> *Tribunal supremo, Sala de la Civil*, 15.3. 2001, *Gabai Oil S.A. v. Petronor, recurso de casación*.

<sup>20</sup> Council Directive 80/987/CEE of 20.10.1980, OJ L 283, p. 23.

<sup>21</sup> Judgment given on *Tribunal superior de justicia* for Castilla-La Mancha on 24.4.2001, *Jesús Rentero Jover v. Fondo de Garantía Salarial*, Base de datos Aranzadi, Repertorio de Jurisprudencia social AS 2001/998.

recognition of claims by employed persons (*salarios de tramitación*) for there to be subsidiary liability for the establishment of a guarantee of payment of wages and salaries was compatible with the Directive. The *Tribunal superior* had already put a question for a preliminary ruling as regards the transposal of the Directive<sup>22</sup> and observed that there was no special machinery for staying proceedings until doubts were allayed; it accordingly held that there was no point in seeking a fresh preliminary ruling on the same question and decided to settle the dispute by taking Community provisions as mandatory criteria for interpreting national law, this being the option which it also felt was the most likely to expedite the administration of justice as required by Article 24 of the Spanish Constitution.<sup>23</sup>

In Greece, a new stage was reached in the litigation concerning increases in the capital of companies in difficulty and a fresh preliminary ruling was requested of the Court of Justice.<sup>24</sup> The reference from the Court of Cassation (*Areios Pagos*)<sup>25</sup> follows on from the action taken by the Court of Appeal, Athens (*Efeteio Athinon*) in response to the judgment given by the Court of Justice in *Kefalas* on 12 May 1998.<sup>26</sup> The two national decisions are based on the new Act No 2685/1999, which legalised all the capital increases made by administrative decision, including those which in the meantime had been annulled by the courts. The former shareholders who were thereby excluded from re-entering the company – even if they had won their court case – were given a right to full compensation for their loss. Initially the judgment of the Court of Appeal,<sup>27</sup> given on the basis of the judgment of the Court of Justice in Case C-367/96 *Kefalas*, substantially disappplied the interpretation placed on it and based on the relationship between the former Act 1386/1983 and Article 25 of Directive 77/91.<sup>28</sup> Proceeding exclusively from the new Act 2685/1999, this first decision considered that the right to compensation under the Act was equivalent to a restitution *in natura* and that this equivalence was recognised by Community law. Hearing the final appeal the *Areios Pagos* decided to ask the Court of Justice for a preliminary ruling.<sup>29</sup> The reference from the *Areios Pagos* first observes that Article 25 of Directive 77/91 does not provide for determined penalties in the event of infringements. This being so, it asks the Court of Justice about the compatibility of the rules in Act 2685/1999 with Article 25 of the Directive 77/91 and its more general objectives. It was also interested in the question whether there was any equivalence between the penalty consisting of annulment of the capital increase made by

---

22 Order made by the *Tribunal superior de justicia* for Castilla-La Mancha on 27.10.2000, Case C-442/00, pending in the Court of Justice.

23 The Court also held that the provisions of the Directive applicable here did not have direct effect since they were not sufficiently clear, precise and unconditional.

24 Case C-303/01, *Kefalas/Elliniko Dimosio*, pending.

25 Decision 13/2001, 10.7.2001.

26 Case C-367/96 [1998] ECR I-2843.

27 Decision 3841/2000, 9.5.2000, *Epitheorisis tou Emporikou Dikaiou* 2000, p. 511.

28 Second Council Directive of 13 12.1976 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent, OJ L 26, 31.1.1977, p. 1.

29 Case C-303/01 (*supra*).

administrative decision and the compensation for shareholders who lost as a result of the increase, and whether such equivalence was in accordance with Community law.

In Greece again, the High Court, Athens (*Polymeles Protodikeion Athinon*) gave its judgment on the merits,<sup>30</sup> having regard to the Court of Justice judgment in *Diamantis*,<sup>31</sup> on the rights of shareholders in capital increase operations under Directive 77/91.<sup>32</sup> This judgment makes use of the discretion available to a national court to assess the manifestly disproportionate demand by shareholders that the capital increase be made by decision of the General Meeting under Article 25 of Directive 77/91.<sup>33</sup> The effect of this use of the concept of “manifestly disproportionate” demand to exercise a right conferred by the Community order is to exclude another part of the interpretation given by the Court of Justice. First, the decision applies the line taken by the Court of Justice in *Diamantis* that Community law does not preclude the national court from applying a provision of domestic law enabling it to assess whether a right enjoyed by virtue of a provision of Community law is exercised unfairly where, among the various redress procedures to remedy the situation that has come about contrary to the Directive, a shareholder opts for the one which causes the legitimate interests of the others to suffer so greatly that the exercise of the right is manifestly disproportionate.

On the other hand, however, this position of the Court applied in fact to circumstances in which, according to another part of its judgment, there are no grounds for describing as unfair the exercise of rights under Article 25 of the Directive. In *Diamantis*, the Court of Justice held that a shareholder pleading Article 25(1) of Directive 77/91, relating to company law, cannot be accused of unfairly exercising the right conferred by that provision solely because he is a minority shareholder who has enjoyed the benefit of the financial restructuring of the company subject to a restructuring scheme, who had not exercised his preferential right, who was one of the shareholders who had asked for the company to come under the rules applicable to companies in serious difficulties, and who had allowed some time to elapse before commencing his action. The judgment applies the relevant provision of domestic law – section 181 of the Greek Civil Code – to a situation combining all these features.

Still in Greece, judgment 3/2001 given by the Special Supreme Court (*Anotato Eidiko Dikastirio*, “AED”) – a special court with jurisdiction to settle conflicts between superior courts – on 7 July 2001 settled the long-running conflict between the *Areios Pagos* and the Council of State (*Symvoulion tis Epikrateias*) and Court of Auditors (*Elegktiko Synedrio*) on the question whether marriage allowances were a component of remuneration if they were a special allowance to help defray the costs of the household. If the allowances were described as “remuneration”, they would have to be paid separately to each of the two spouses. Otherwise they would be paid just once, either wholly to one spouse or 50% to each. The AED held that they constituted remuneration. Although the grounds for its judgment disregard Article 119 of the EC Treaty (Articles 117 to 120 have been replaced by Articles 136 to 143), it none the less broadly takes over the line

---

<sup>30</sup> Decision 95/2001 of 5.1.2001.

<sup>31</sup> Case C-373/97 *Diamantis/Elliniko Dimosio* [2000] ECR I-1705 (judgment given on 23.3.2000).

<sup>32</sup> *Supra*.

<sup>33</sup> *Supra*.

followed by the Court of Justice in remuneration matters. This position is also boosted by the fact that the AED now follows the line taken by the *Areios Pagos* and the *Symvoulio tis Epikrateias*, which refer expressly to Article 119.

In **Italy**, the Court of Cassation (*Corte di cassazione*) ruled<sup>34</sup> on the judgment given by the Court at Lecce on an appeal in the case which the Court of Justice gave its *Spano* judgment.<sup>35</sup> The case concerned the application of the procedure laid down by section 47 of Act No 428/90<sup>36</sup> transposing Directive 187/77 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.<sup>37</sup> The fifth paragraph of that section provides for a special scheme for the transfer of certain firms described as "being in a state of crisis". According to the *Corte di cassazione*, the Lecce court was right to hold that, where several provisions of both domestic and Community law simultaneously govern a legal situation, the national court must identify the relevant provisions of domestic law and then consider them in light of the Community rules. But where the domestic provision is "radically incompatible" with Community law, the possibility of interpreting it in line with Community law must be excluded. Consequently, interpreting it in such a way as to make provisions that are incompatible with Community law compatible with it must be excluded. The *Corte di cassazione* finally held that the incompatibility of the domestic provision with Community law, already acknowledged by the Court of Justice in *Spano*, did not preclude its application in the instant case as Directives had no direct effect between individuals.

In the **Netherlands**, in a car hire-purchase case, the Supreme Court (*Hoge Raad*) held,<sup>38</sup> without feeling the need to put a question to the Court of Justice for a preliminary ruling, that an interest-free loan given by the purchaser to the supplier to finance the purchase of a certain number of cars was not to be regarded as the consideration for the hirer's services for the purposes of the Sixth VAT Directive.<sup>39</sup> Under Article 11(A)(1)(a) of the Directive, the basis of assessment to VAT on services consists of everything which constitutes the consideration which has been or is to be obtained by the supplier from the purchaser, the customer or a third party for such supplies. In the hire-purchase contract it was agreed that the purchaser would cover not only the rental but also the cost of financing the purchase of the cars, by giving the supplier an interest-free loan up to the value of the cars. The *Hoge Raad* held that in such a case the means given by the customer to the supplier to help the supplier perform his side of the contract are not part

---

<sup>34</sup> *Corte di Cassazione, Sezione lavoro*, judgment given on 21.3.2001, *Società New Holland Italia e altro v Sozzo e altri, Conte e altri, Borgia e altri v Società New Holland Italia e altri*.

<sup>35</sup> Case C-472/93, *Luigi Spano and others v Fiat Geotech SpA and Fiat Hitachi Excavators SpA.*, [1995] ECR I-4321 (judgment given on 7.12.1995).

<sup>36</sup> Act 428 of 29.12.1990, Disposizioni per l'adempimento di obblighi derivanti dall'appartenenza dell'Italia alle Comunità europee (legge comunitaria per il 1990), Gazzetta Ufficiale della Repubblica Italiana, No 10, 12.1.1991, S.O.

<sup>37</sup> Council Directive 77/187/EEC of 14.2.1977, OJ L 61, p. 26.

<sup>38</sup> *Hoge Raad*, 28.3.2001, *Staatssecretaris van Financiën v X NV*, *Beslissingen in Belastingzaken*, 2001/296.

<sup>39</sup> 77/388/EEC: Sixth Council Directive of 17.5.1977 on the harmonisation of the laws of the Member States relating to turnover taxes - Common system of value added tax: uniform basis of assessment, OJ L 145, 13.6.1977, p. 1.

of the total value of the consideration for the transaction but must be regarded as part of the customer's own costs.

In **Portugal**, the Supreme Administrative Court (*Supremo Tribunal Administrativo*) held,<sup>40</sup> in a case concerning the construction of a new bridge on the Tejo, that it was not required to seek a preliminary ruling from the Court of Justice under Article 234(3) of the EC Treaty regarding the compatibility of the project with Article 4(4) of Directive 79/409 on the conservation of wild birds.<sup>41</sup> The applicant, an environmental protection association, argued that, since the planned bridge crossed the Tejo special protection zone, it was manifestly contrary to the Member States' obligation to take the measures needed to protect wild birds' natural habitats against all significant forms of pollution, deterioration or disruption. The *Supremo Tribunal* acknowledged that Article 4(4) had direct effect but took a special interpretation of the obligation on public authorities to show that a public works project would not harm the environment in general and wild birds in particular. It held that as a result of the case-law of the Court of Justice, in particular in Cases C-57/89<sup>42</sup> and C-355/90,<sup>43</sup> this obligation fell to be discharged only *a posteriori* as regards projects already carried out rather than on a preventive basis at the design stage. The *Supremo Tribunal* seems to have paid no attention to the possibility of prospective protection of the environment before a decline in the bird population has been observed or a risk has materialised.

In the **United Kingdom**, *Glaxo Group Ltd and others v Dowelhurst Ltd and Swingward Ltd* was a fresh case concerning parallel imports of pharmaceuticals. The High Court, hearing the case at first instance, declared that a series of questions should be referred to the Court of Justice for a preliminary ruling.<sup>44</sup> It dismissed the application by certain of the parties for leave to appeal against the referral Order,<sup>45</sup> and they then decided to apply direct to the Court of Appeal for leave to appeal.<sup>46</sup> The Court of Appeal acknowledged that the applicants' arguments as to the interpretation of the point of law at issue in the main proceedings might well be correct but dismissed their application on the ground that the High Court had rightly held that the questions were not clear and that the referral to the Court of Justice, by the High Court itself or by another court, was necessary. The Court of Appeal also held that, even if leave to appeal were given, it was unlikely to conclude that the answers to the questions were so obvious as to make a preliminary ruling superfluous. It added that a referral Order could be taken only once the national proceedings had reached such a stage that the national court could spell out the circumstances of fact in which the questions were raised. That stage had been reached

---

<sup>40</sup> *Supremo Tribunal Administrativo*, judgment given on 14.10.1999, Case 31355, in *Antologia de Acórdãos do Supremo Tribunal Administrativo e do Tribunal Central Administrativo*, Ano III - nº 1, Setembro - Dezembro 1999, p. 13-24.

<sup>41</sup> Council Directive 79/409/CEE of 2.4.1979, OJ L 103, p. 1.

<sup>42</sup> Case C-58/89 *Commission v Germany* [1991] ECR I-0883 (judgment given on 28.2.1991).

<sup>43</sup> Case C-355/90 *Commission v Spain* [1993] ECR I-4221 (judgment given on 2.8.1993).

<sup>44</sup> High Court of Justice (England and Wales), Chancery Division, Patents Court, *Glaxo Group Ltd and others v Dowelhurst Ltd and Swingward Ltd*, [2000] CMLR 571.

<sup>45</sup> High Court of Justice (England and Wales), Chancery Division, Patents Court, *European Law Reports of Cases in the United Kingdom and Ireland 2000*, p. 660-664.

<sup>46</sup> Court of Appeal (England and Wales), Civil Division, *Glaxo Group Ltd and others v Dowelhurst Ltd and Swingward Ltd*, *European Law Reports of Cases in the United Kingdom and Ireland 2000*.



after the High Court's judgment. Having set out the circumstances of fact, the High Court therefore has a discretion as to whether a preliminary ruling should be sought now or left to an appellate court. The Court of Appeal declined to interfere with the High Court's exercise of its discretion, unless it had neglected a factor which it should have taken into account, or had considered an irrelevant factor, or had come to a manifestly erroneous decision. This not being the case here, the Court of Appeal refused leave to appeal.

## Question 2

Research revealed no decisions of this type.

## Question 3

In **Germany**, the Federal Court of Justice (*Bundesgerichtshof*)<sup>47</sup> declined to recognise the right of an individual to compensation on the basis of Community law for incorrect transposal of Article 2 of Council Decision 88/408 on the levels of the fees to be charged for health inspections and controls of fresh meat pursuant to Directive 85/73/EEC.<sup>48</sup>

Article 2(2) of the Decision sets the conditions in which the Member States may derogate from the standard fees set by Article 2(1) up to the actual costs of the inspection. Section 24 of the *Fleischhygienegesetz* (Meat Hygiene Act – “FIHG”), transposing Decision 88/408, provides that the Länder are to determine, in accordance with Community law, the fees to be charged on the basis of actual costs. The *Bundesverwaltungsgericht* held<sup>49</sup> that this required the Länder to adopt legislation laying down the conditions in which it is possible to derogate from the standard fees set for the relevant health inspections and the procedure for calculating the amounts. Considering that the legislation of the relevant Land did not meet these requirements, the German courts hearing the case before it reached the *Bundesgerichtshof* had held that the legislative omission generated an entitlement to damages under Community law.

The *Bundesgerichtshof*, on an appeal from the Higher Regional Court (*Oberlandesgericht*) Karlsruhe on this question, did not come to the same conclusion. After summing up the conditions governing the Member States' obligation to compensate for losses sustained by individuals as a result of failure to comply with Community law, determined by the Court of Justice in *Francovich*,<sup>50</sup> *Brasserie du Pêcheur/Factortame*,<sup>51</sup> *British Telecommunications*,<sup>52</sup> *Hedley Lomas*,<sup>53</sup> and *Dillenkofer*,<sup>54</sup> it held that the instant

---

<sup>47</sup> *Bundesgerichtshof*, judgment given on 14.12.2000, III ZR 151/99, Entscheidungen des Bundesgerichtshofes in Zivilsachen 146, 153.

<sup>48</sup> Council Decision of 15.6.1988, OJ L 194, p. 24.

<sup>49</sup> *Bundesverwaltungsgericht*, judgment given on 29.8.1996, 3 C 7/95, Entscheidungen des Bundesverwaltungsgerichts 102, 39.

<sup>50</sup> Joined Cases C-6/90 and C-9/90 (*supra*).

<sup>51</sup> Joined Cases C-46/93 and C-48/93, *Brasserie du Pêcheur* and *Factortame* (*supra*).

<sup>52</sup> Case C-392/93 *British Telecommunications* [1996] ECR I-1654 (judgment given on 26.3.1996).

case fell to be decided solely in accordance with domestic law. The mere fact that the Land legislature, contrary to section 24 of the FIHG, had failed to adopt specific legislation setting the amount of the fees was not a violation of Community law, given that in German law the conditions for obtaining a derogation from the standard fees were met in any event, and in particular the fees applicable corresponded to actual inspection costs. Without applying to the Court of Justice for a preliminary ruling the *Bundesgerichtshof* decided to remit the case to the *Oberlandesgericht* to review whether the conditions were met for a decision that the Land was liable in damages on the basis of domestic law.

In **France**, the Administrative Court (*Tribunal administratif*) at Rennes held<sup>55</sup> that the State was liable on account of late transposal of Directive 91/676 concerning the protection of waters against pollution caused by nitrates from agricultural sources.<sup>56</sup>

In 1995 the District Court (*Tribunal d'instance*) at Guingamp had ordered the applicant, Société Suez Lyonnaise des Eaux, to pay compensation to 176 subscribers to its drinking water distribution network on account of the excessive nitrate content of the water it distributed. It accordingly brought proceedings in the *Tribunal administratif* to obtain compensation for the State's wrongful failure to act which, it argued, was at the origin of the case that went against it. It argued in particular that the State had incompletely transposed Directive 91/676 in that Article 5, providing for the preparation of action programmes within two years following the designation of "vulnerable zones", had not been implemented within the time allowed. The *Tribunal administratif* accepted this argument since it was only a Decree of 4 March 1996 that finally laid down the general framework for these programmes and the method of preparing them, and the Order implementing the Decree in the relevant geographical area was signed only on 22 December 1997. The *Tribunal administratif* concluded that "the applicant's argument that the State is at fault and liable on that basis for its late transposal of Article 5 of the Directive is accordingly well founded". The judgment goes on to hold that "the State cannot argue that it should not be held liable by reason of the applicant's own fault", as the applicant does not have the legal and technical means of limiting the consequences of the high nitrate content of its water. Incidentally, an infringement action against France is currently pending in the Court of Justice for incomplete transposal of Directive 91/676.<sup>57</sup>

In the **United Kingdom**, following the decision of the House of Lords to order that Member State to compensate for loss sustained by the applicants by reason of the vessels registration system set up by the Merchant Shipping Act 1988,<sup>58</sup> the *Factortame* case was

---

<sup>53</sup> Case C-5/94 *Hedley Lomas* [1996] ECR I-2604 (judgment given on 23.3.1996).

<sup>54</sup> Case C-178/94 *Dillenkofer* [1996] ECR I-4867. (judgment given on 8.10.1996).

<sup>55</sup> TA Rennes, judgment given on 2.5.2001, Société Suez Lyonnaise des Eaux, req. No 97182.

<sup>56</sup> Council Directive 91/676/EEC of 12.12.1991, OJ L 375, p. 1.

<sup>57</sup> Case C-258/00.

<sup>58</sup> House of Lords, *R v Secretary of State for Transport, ex parte Factortame and others (No 5)*, The Law Reports: Appeal Cases 2000, Vol. 1, p. 524 (judgments given on 28.10.1999).

remitted to the High Court for a decision on the amount of the loss.<sup>59</sup> Certain of the applicants brought supplementary actions in the High Court for damages for distress and aggravated damages. They alleged that their application, based on violation of Community law – in particular Article 43 of the EC Treaty and the ban on nationality discrimination – by the United Kingdom was comparable to an action based in domestic law on the Race Relations Act 1976, which bans this type of discrimination and provides for these categories of damages. The High Court dismissed the applications. It held that while as general rule damages for distress were not payable under English law, the cases sometimes allowed this where such damages were an integral part of the compensation for the particular loss sustained, as in the case of actions based on the Race Relations Act 1976. It further held that on this hypothesis aggravated damages could also be payable under certain circumstances. It then restated the principle established by the Court of Justice in *Factortame*<sup>60</sup> that special damages such as the “exemplary damages” provided for in English law must also be available under Community law where they are available in similar actions based on domestic law. The High Court rejected the applicant’s argument based on a comparison between actions for violation of Community law with actions under the Race Relations Act 1976. It held that the rights protected by Article 43 of the EC Treaty were economic and not social rights and that only economic loss could be compensated under this provision. It also held that the word “nationality” used in Article 12 of the EC Treaty, which is applied by Article 43, did not have the same racial connotation as in the Race Relations Act 1976 referred to by the applicants, which expressly concerns acts inspired by “hatred, ridicule and contempt”. Judge J. Tomlin QC stated that there was considerable doubt whether “nationality” in the 1976 Act had the same meaning as in Community law, since that Act did not concern the same kinds of discrimination as were inherent in the Merchant Shipping Act 1988 and its implementing instruments. “Nationality” in relation to the free movement of persons, goods and services and the right of establishment had a broader meaning and consequently a different connotation than nationality in the Race Relations Act 1976.

#### Question 4

In **Germany**, the *Bundesverfassungsgericht*<sup>61</sup> declined to rule on a constitutional action against a decision by the European Patent Office (“EPO”) Board of Appeal, considering that the procedure there offered an adequate level of protection of fundamental rights. In 1998 the applicant, a patent adviser in Munich, was a candidate at repeat tests in the European qualifying examination for entry on the list of approved agents at the EPO. The examining board informed him that he had not passed, so he appealed to the Board of Appeal. When his appeal was dismissed, he brought a constitutional-law action in the

---

<sup>59</sup> High Court of Justice (England and Wales), Queen’s Bench Division, Technology and Construction Court, *R v Secretary of State for Transport, ex parte Factorame and others*, The Weekly Law Reports 2001, Vol. 1, p. 942-985 (judgments given on 27.11.2000).

<sup>60</sup> *Supra*.

<sup>61</sup> *Bundesverfassungsgericht*, Order made on 4.4.2001, 2 BvR 2368/99, Neue juristische Wochenschrift 2001, 2705.

*Bundesverfassungsgericht*, arguing primarily that inadequate reasons were given for the decision on the examination by the EPO and confirmed by the Board of Appeal.

Referring to its “Solange II”,<sup>62</sup> “Maastricht”<sup>63</sup> and “Atlanta”<sup>64</sup> decisions, the *Bundesverfassungsgericht* held that the problems raised in this case were identical to those on which it had already given a ruling in the earlier decisions. It further declared the action inadmissible on the ground that the applicant had not set out in sufficient detail the reasons why the protection of fundamental rights under the European Patent Convention (“EPC”) did not correspond to the protection secured by the German Basic Law. It held that the protection of fundamental rights against acts done by a supranational organisation was not confined to acts of the European Communities but included acts by the EPO which had legal effects on the holders of such rights. Article 24(1) of the Basic Law, laying the constitutional basis for transferring rights of sovereignty to international organisations, was to be interpreted in the light of the Basic Law read as a whole to avoid disturbing its general structure, which included fundamental rights. But the Basic Law did not demand that the protection of fundamental rights should always be secured by the *Bundesverfassungsgericht* itself. The openness of the Basic Law to international cooperation required the *Bundesverfassungsgericht* to refrain from acting where the level of protection of fundamental rights corresponded substantially to what was secured by the Basic Law. With more specific reference to the protection of fundamental rights in the EPO, the *Bundesverfassungsgericht* held that it was broadly speaking equivalent to the protection secured by the courts under the German Basic Law. It supported this conclusion in particular by holding that, under Articles 21 and 23 of the EPC, members of the Board of Appeal were independent, at least one of them was a lawyer and the appeal procedure was separate from the originating procedure, the aim being to guarantee judicial review of the legality of the original decision. The *Bundesverfassungsgericht* also noted that, on the basis of Articles 113 *et seq.* of the EPC, the Enlarged Board of Appeal had already acknowledged that it was bound by a number of principles ensuring a fair procedure, such as the independence of first-instance examiners, the right to make views known, the principle of the oral hearing and decisions based on rules of evidence. It recalled, with specific reference to the European qualifying examination, that there was a substantial body of decisions by the Appeal Board, acting in a disciplinary capacity, guaranteeing respect for these procedural principles as regards equal treatment of candidates, in accordance with Article 14 of the European Human Rights Convention.

Also in Germany, the *Bundesgerichtshof*<sup>65</sup> dismissed an action by a luxury perfumes producer for an injunction prohibiting advertising and promotion of one of its products by a non-approved distributor. The applicant pleaded a violation of copyright in the perfume bottle, which he had the exclusive right to use. The *Bundesgerichtshof* held that section

---

<sup>62</sup> *Bundesverfassungsgericht*, judgment given on 10.10.1986, 2 BvR 197/83, *Entscheidungen des Bundesverfassungsgerichts* 73, 339.

<sup>63</sup> *Bundesverfassungsgericht*, judgment given on 12.10.1993, 2 BvR 2134/92, 2 BvR 2159/92, *Entscheidungen des Bundesverfassungsgerichts* 89, 155.

<sup>64</sup> *Bundesverfassungsgericht*, judgment given on 7.6.2000, 2 BvL 1/97, *Entscheidungen des Bundesverfassungsgerichts* 102, 147.

<sup>65</sup> *Bundesgerichtshof*, judgment given on 4.5.2000, I ZR 256/97, *Entscheidungen des Bundesgerichtshofes in Zivilsachen* 144, 232.

17(2) of the *Urhebergesetz* (“UrhG”, Copyright Act) expressed the general principle of “exhaustion of rights”. Section 17(2) provides that where the original or reproductions of a product have been placed on the market in the territory of a Member State or a Contracting State of the European Economic Area with the consent of the copyright holder, subsequent distribution of the product, except for rental purposes, must be accepted. The *Bundesgerichtshof* specified that a work placed on the market with the holder’s consent must be able to move freely within a uniform economic area, irrespective of copyright protection. The holder is free to prohibit the initial distribution of the product or to make it subject to payment of fair remuneration, but once he has consented, he can no longer use his copyright to control subsequent distribution.

The *Bundesgerichtshof* considered that a parallel should be drawn in this case with law on trademarks and, recalling its own case-law on this, held that the exhaustion of the trademark rights once the relevant product was on the market applied not only to distribution but also to the exercise of advertising rights, which merely made actual sales possible. As the Court of Justice had held in relation to Article 7 of Directive 89/104<sup>66</sup> in *Dior*,<sup>67</sup> a trademark holder cannot object where a dealer who habitually trades in goods of the same kind as the trademarked goods uses the trademark, in accordance with the conventions of the trade and in a manner that does not seriously harm its reputation, to inform the public that he is to market the relevant products. The *Bundesgerichtshof* added that in accordance with that judgment – which concerned the same producer as the present case – a producer cannot rely on copyright in the presentation of the product to control distribution circuits and that “the protection conferred by the copyright as regards the reproduction of the protected works in the dealer’s advertising can never be more extensive than that conferred in the same circumstances on a trademark holder”.<sup>68</sup>

In the last German case, the Federal Tax Court (*Bundesfinanzhof*), in the light of the principle of free movement of capital, spelled out the conditions in which investments in foreign countries would generate a presumption of tax fraud (*steuerstrafrechtlicher Anfangsverdacht*).<sup>69</sup>

The applicant, a German bank, had brought an interlocutory action in the tax court for an injunction prohibiting a department of the tax administration from transmitting to another government department information obtained from the tax investigation (*Steuerfahndung*) service concerning transfers of capital abroad by clients whose names were known or identifiable. The information was allegedly gathered by the tax investigation service in the course of a series of searches in the premises of certain banks suspected of complicity in illegal transfers of capital abroad. The searches were carried out in investigation proceedings commenced by the prosecution service against managers and agents of these banks.

---

<sup>66</sup> First Council Directive 89/104/EEC of 21.12.1988 to approximate the laws of the Member States relating to trade marks, JO L 40, 11.02.1989, p.1 .

<sup>67</sup> Case C-337/95 *Dior* [1997] ECR I-6013 (Judgment given on 4.11.1997).

<sup>68</sup> *Dior*, *supra*, point 58.

<sup>69</sup> *Bundesfinanzhof*, Order made on 6.2.2001, VII B 277/00, Sammlung der Entscheidungen und Gutachten des Bundesfinanzhofs 194, 26.

In the interlocutory proceedings, the tax administration challenged the jurisdiction of the tax court. The *Finanzgericht*, tax court of first instance, accepted the argument and remitted the case to the criminal court, holding that it basically concerned tax fraud. The *Bundesfinanzhof*, on an appeal by the bank, set the *Finanzgericht*'s decision aside and declared that the tax court had jurisdiction.

In the *Bundesfinanzhof*'s view, it was clear from the Order made in the Local (civil) Court (*Amtsgericht*) authorising the seizure of the relevant documents that the investigation procedure concerned only clients who, anonymously or neglecting to give their exact name, had transferred capital to foreign bank accounts. The prosecution service and the *Amtsgericht* could not reasonably have taken a broader interpretation of the circle of persons concerned by this procedure, as such an interpretation would be manifestly contrary to the principle of free movement of capital in Article 56 of the EC Treaty. The *Bundesfinanzhof* concluded that mere direct transfer of capital by clients whose name was known from a bank account in Germany to another account abroad could not be regarded as reasonable grounds for a presumption of tax fraud and for bringing an investigation proceeding against these clients. Such an interpretation, according to the *Bundesfinanzhof*, would generate arbitrary discrimination between capital movements in Germany and intra-Community capital movements, or at the very least to a disguised restriction within the meaning of Article 58(3) of the EC Treaty, no such restriction being reasonably capable of being justified by the derogations provided for by Article 58(1). Finally, by reference to the judgment of the Court of Justice in Case C-478/98,<sup>70</sup> the *Bundesfinanzhof* concluded that a general presumption of tax evasion or tax fraud would not justify a restriction on the free movement of capital.

In **Belgium**, the *Cour d'arbitrage*, giving judgment on 14 June 2000 in an action for annulment of several provisions of the Walloon Region Decree of 19 November 1998 establishing a tax on unoccupied housing,<sup>71</sup> ruled on the compatibility of the relevant tax with Article 56 of the EC Treaty. The Decree imposes an annual tax on uncompleted or unoccupied housing of BEF 400 (€9.92) per square metre of inhabitable surface-area, subject to differing conditions and procedures. The applicants, who all owned second residences in the Walloon Region, argued among other things that the tax had an equivalent effect to a customs duty, that it constituted a barrier to inter-regional trade and to the free movement of capital, and that it did not respect the general framework of the Belgo-Luxembourg Economic Union. Adopting the definition of a tax having an equivalent effect laid down by the Court of Justice,<sup>72</sup> the *Cour d'arbitrage* noted that Article 56 of the EC Treaty, applicable among other things to capital investments, had direct effect,<sup>73</sup> though Article 58 allowed the Member States to maintain certain barriers to the free movement of capital, notably for overriding considerations of the general interest. Since it was common ground that the objectives pursued by the Decree – “the

---

<sup>70</sup> Case C-478/98 *Commission v Belgium* [2000] ECR I-7587 (Judgment given on 26.9.2000).

<sup>71</sup> *Cour d'arbitrage*, judgment No 67/2000, 14.6.2000, Administration publique, 2000, p. 125; Bulletin de jurisprudence constitutionnelle, 2000, p. 297-298; Tijdschrift voor bestuurswetenschappen en publiekrecht, 2001, p. 353-355. Also accessible at <http://www.arbitrage.be>.

<sup>72</sup> Cases 24/68 *Commission v Italie* [1969] ECR193 (judgment given on 1.7.1969) and C-130/93, *Lamare S.A.* [1994] ECR I-3215 (judgment given on 7.7.1994).

<sup>73</sup> Case C-163/94 *Sanz de Lera* [1995] ECR I-4821 (judgment given on 14.12.1995).

generalisation of measures to combat slums”, “improvement of the habitat” and “stimulating the construction industry” – helped to satisfy the general interest, the *Cour d’arbitrage* concluded that the measures challenged could not be regarded as having the effect of unreasonably restricting the free movement of capital.

Still in Belgium, the Court of Cassation gave an interesting judgment in a state aid case.<sup>74</sup> It confirmed an earlier decision of the Court of Appeal for Antwerp striking down a state aid scheme concerning measures to combat animal diseases and improve animal health and the quality of animals and animal products. The scheme, based on a fund fed from mandatory contributions from persons and firms producing, processing, transporting, selling or marketing animals, had already been found illegal by the Commission and by a Belgian court. The Belgian legislature adapted the scheme and reactivated it without first notifying the Commission. The Court of Cassation held that, under Article 88(3) of the EC Treaty, the Commission had to be informed in sufficient time of any plans to grant or alter aid, and no aid measure planned by a Member State without complying with this procedure could be regarded as lawful. The Court of Cassation further held, in accordance with the judgment given by the Court of Justice in *Dilexport*,<sup>75</sup> that Community law precluded a Member State from making the reimbursement of levies wrongfully received by the recipients of the aid conditional on, for instance, it not having been passed on to a third party, the burden of proof being on the aid recipients.

In another Belgian case, the Court of Appeal at Gent<sup>76</sup> ruled on Belgian regulations concerning the involvement of recognised dockers in certain forms of dock work. It sought a preliminary ruling from the Court of Justice on the question whether Article 86(1) of the EC Treaty, read with Articles 12, 81 and 82, precluded national regulations from providing that the loading and unloading of vessels and dock work in general must be reserved exclusively for dockers recognised under the regulations and from requiring the payment to such workers of remuneration well in excess of the wages paid to their own employees or other workers. The Court of Justice replied that the relevant Community provisions did not confer on individuals the right to oppose the application of such legislation by a Member State,<sup>77</sup> since Article 86(1) of the EC Treaty, read with any other provision of the Treaty, is applicable only to firms and is therefore not applicable to the dock workers who, even collectively, cannot be regarded as firms for the purposes of Community competition law. The Court of Appeal followed the Court of Justice and held that the Belgian regulations on dock work were contrary neither to Article 86(1) nor to Articles 81 and 82. But it observed that in its preliminary ruling the Court of Justice had left it for the national court to rule on the violation, if any, of the rules on free movement of workers and freedom to provide services. On the basis of the judgment given by the Court of Justice in *SETTG*,<sup>78</sup> it held that, since the Belgian regulations did not impose a

---

<sup>74</sup> *Hof van cassatie, nederlandse afdeling, 1ste kamer*, judgment given on 19.1.2001, C960091N, Belgische Staat/Georges LORNOY & ZONEN e.a.

<sup>75</sup> Case C-343/96 *Dilexport Srl* [1999] ECR I-0579 (Judgment given on 9.2.1999).

<sup>76</sup> *Hof van Beroep Gent*, derde correctionele kamer, judgment given on 18.1.2001 not. Nr. 65/95 AG; Openbaar Ministerie/Becu, Jean-Claude and others.

<sup>77</sup> Case C-22/98 *Beco and others* [1999] ECR I-5665 (judgment given on 16.9.1999).

<sup>78</sup> Case C-398/95 *Syndesmos ton en Elladi Touristikon kai Taxidiotikon Grafeion (SETTG)*, [1997] ECR I-3091 (Judgment given on 5.6.1997).

particular form of contract of employment on the relevant dock workers, it did not constitute a restriction on freedom to provide services. It also considered that the obligation to have recourse to dock workers recognised under the rules applying in the Gent dock zone, the main requirement of which was a specific form of training, entailed no nationality discrimination.

In **Denmark**, the Supreme Court (*Højesteret*) declared inadmissible<sup>79</sup> an action brought against the Prime Minister by a non-profit association as agent for twelve Danish citizens on the subject of the Act for Danish accession to the Schengen Implementing Convention. The applicant association submitted that the Accession Act was unconstitutional, on the basis of two series of arguments. First, the Convention, which provided in Articles 40 and 41 that the police of a Contracting State could, in certain circumstances and subject to certain conditions, continue its investigations or pursuit in Danish territory, was contrary to the principle in Article 3 of the Constitution that Danish citizens in Danish territory are amenable only to the Danish courts. Moreover, the Convention was contrary to Article 20 of the Constitution, which allowed transfers of powers only to international authorities and not to foreign States. Second, Article 131 of the Convention conferred important powers on the Schengen Executive Committee and information on Danish citizens could be entered in the Schengen Information System to an unknown extent. But as the Schengen Implementing Convention entails no transfer of powers in general or important areas of life and no far-reaching consequences for the Danish people in general, the Supreme Court held that the applicant lacked *locus standi* and accordingly declared the action inadmissible.

In **Spain**, the *Tribunal supremo*,<sup>80</sup> unlike the Court of Justice,<sup>81</sup> applied the principle of the exhaustion of trademark rights and gave it an international dimension. This was a dispute between Bacardí & Company S.A. España (applicant), which held an exclusive licence to manufacture and market “Bacardí” branded rum in Spain and was part of a group whose parent company held the “Bacardí & Company Limited” trademark, and Dimexco S.L. and Destilerías de l’Urgel, third parties operating as parallel importers. The applicant was basically seeking an injunction prohibiting the defendant from importing Bacardí rum, lawfully manufactured and marketed in Mexico, into Spain from other European Union Member States such as Germany, France and the Netherlands. The *Tribunal supremo*, upholding the judgment of the court below, held that the trademark rights of Bacardí & Company S.A. España were exhausted since the product was marketed in Mexico with the consent of the applicant’s parent company, which held the original trademark. Neither the relevant national provisions (Unfair Competition Act and Trademarks Act) nor the Community rules (EC Treaty rules on free movement of goods) applicable in the case gave special legal protection to Bacardí & Company S.A., as whatever it did resulted in market fragmentation that fell to be assessed for conformity with Articles 81 and 82 of the EC Treaty. The court had regard to the primary function of the trademark – guaranteeing the consumer as to the origin of the product. Since genuine

---

<sup>79</sup> Højesteret, 26 juin 2001, Ugeskrift for Retsvæsen, 2001, p. 2065.

<sup>80</sup> *Tribunal supremo, Sala Primera de lo Civil*, 28.12.2001, *Bacardí & Company S.A. España v. Dimexco S.L. et Destilerías de l’Urgel*, Diario La Ley 2001, n° 5423, p. 9-14.

<sup>81</sup> Case C-355/96 *Silhouette* [1998] ECR I-0799 (judgment given on 16.7.1998). See also Joined Cases C-414/99 to C-416/99 *Davidoff* [2001] ECR I-8691 (judgment given on 20.11.2001).



Bacardí rum was concerned and the ban on imports of rum made in Mexico brought no advantages for the consumer, since it prevented him from buying the product more cheaply, the *Tribunal supremo* concluded that parallel importers could continue to market the rum freely in Spain without the holder of the exclusive licence to manufacture and market it in Spain being able to object.

In another case the *Tribunal supremo* annulled section 4(1) of Royal Decree 1466/1997<sup>82</sup> for incompatibility with Regulation No 3577/92 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage).<sup>83</sup> The applicants, shipping firms and a trade union, whose actions were joined, challenged the decree on a number of bases, notably the incompatibility of section 4 with the Regulation. In a preliminary ruling on this question, the Court of Justice held<sup>84</sup> that the administrative authorisation required by section 4 of the Decree for owners of vessels operating scheduled cabotage services with islands was compatible with the Community regulation only if there was evidence of a need for a public service by reason of inadequate scheduled services in a freely competitive situation. According to the Court of Justice, if there was to be a prior authorisation scheme such as was imposed by the decree, it must be necessary and in proportion to the objective pursued and be based on objective, non-discriminatory criteria known in advance by the firms concerned. Following the judgment by the Court of Justice, the *Tribunal supremo* held that, since section 4(1) of the decree provided for a general prior authorisation scheme without consideration for the specific needs on the routes concerned, it did not meet these requirements, and it annulled it accordingly. But it declared that there was nothing to preclude the public authorities from responding to a real public service need by imposing an administrative authorisation scheme for certain scheduled island cabotage services, provided the criteria defined by the Court of Justice were complied with. It also held that the imposition of public service obligations on certain firms and the simultaneous conclusion of public service contracts for services on these routes were compatible with Regulation No 3577/92, as in the instant case there was a real public service need, the public service obligation was justified by the objective pursued and there was no discrimination. It added that, where public service obligations were imposed on a shipping firm through the prior authorisation scheme, it was acceptable to make the authorisation subject to payment of tax debts and social security contributions, this condition again entailing no discrimination between Spanish and foreign firms. The *Tribunal supremo* had regard to the specific features of the islands and held that there was no discrimination between shipping firms based on the mainland and in the islands.

Still in Spain, the *Juzgado de lo social* No 1 at Pamplona, in a case between Lilia N., a basketball player of Polish nationality, and the Spanish Basketball federation,<sup>85</sup> ruled on

---

<sup>82</sup> *Tribunal supremo, Sala Tercera, de lo Contencioso-Administrativo*, 16.10.2001, Asociación Profesional de Empresas Navieras de Líneas Regulares e.a./Administración General del Estado, Diario La Ley 2001, n° 8688, p. 12-16.

<sup>83</sup> Council Regulation (EC) No 3577/92 of 7.12.1992, OJ L 364, p. 7.

<sup>84</sup> Case C-205/99 *Asociación Profesional de Empresas Navieras de Líneas Regulares (Analir) and others* [2001] ECR I-1271 (Judgment given on 20.2.2001).

<sup>85</sup> *Juzgado de lo social n° 1 for Pamplona*, 13.11.2000, *Lilia M. v Federación Española de Baloncesto and others*, Diario La Ley 2000, n° 10890, p. 13.

the conditions in which professional basketball players of non-Community nationality from countries with which the European Community has concluded association agreements, may work in Spain.<sup>86</sup> The Spanish Federation was refusing to give Lilia M. a Community player's licence that would allow her to play in national basketball competitions on the same terms as players from Spain or other EU Member States. The *Juzgado* held that the refusal to license Lilia M. constituted nationality discrimination in breach of fundamental rights. Once she had been lawfully taken into the team, the applicant enjoyed the right under Article 37 of the Association Agreement with Poland<sup>87</sup> to the same professional treatment as Spanish or Community nationals, Article 39(4) of the EC Treaty, whereby public-service posts are excluded from the free movement of workers, not being applicable here since the employment relationship is in the private sector. The *Juzgado* confirmed that these rules were within the category of "terms of employment" in order to bring them within this provision, rejecting the Spanish Federation's argument that rules imposing different treatment on non-Community players were purely administrative rules and therefore not caught by Article 37 of the agreement. It therefore annulled the Federation's decision, thus implicitly recognising that the Article had direct effect.

In another very similar Spanish case between a basketball player of Slovene nationality and the Spanish Basketball Federation, the *Juzgado de lo social* No 30 at Madrid<sup>88</sup> came to much the same conclusion in a judgment given on 12 December 2000. It held that the Association Agreements had direct effect and, as international treaties ratified by Spain, prevailed over Community secondary legislation and domestic law. It therefore held that Article 38 of the Association Agreement with Slovenia<sup>89</sup> must be interpreted as meaning that Slovene nationals were eligible for the same treatment as Spanish and Community nationals as regards terms of employment in Spain. While Article 38 did not give Slovene nationals the right of free movement in the Community, it did ban discrimination as regards terms of employment where workers of Slovene nationality were lawfully recruited in a Member State, and the *Juzgado* ordered the Spanish Basketball Federation to take the necessary measures to enable the player to work in Spain on the same terms as Spanish or other Community nationals.

A third, and last, case in Spain concerned the provision of services by professional sportsmen and sportswomen who were nationals of third countries with which the European Community has concluded Association Agreements. The judgment was given by the *Juzgado de lo social* for Coruña on 2 January 2001<sup>90</sup> in a dispute between a professional footballer of Czech nationality and the National Football League, the

---

<sup>86</sup> The applicant had brought a similar and successful action in France. Judgment given on 3.2.2000 by the Cour Administrative d'Appel de Nancy, Malaja, req. No 99NC00282.

<sup>87</sup> Europe Agreement establishing an association between the European Community and its Member States and the Republic of Poland, OJ L 348, 2000, p. 2.

<sup>88</sup> *Juzgado de lo social n°30* for Madrid, 12.12.2000, *Marko M. v Real Madrid Club de Fútbol and others*, Diario La Ley 2001, n° 20, p. 10.

<sup>89</sup> Europe Agreement establishing an association between the European Community and its Member States and the Republic of Slovenia, OJ 1999 L 51, p. 3.

<sup>90</sup> *Juzgado de lo Social n°2* for Coruña, 2.1.2001, *Petr. K.v Liga Nacional de Fútbol Profesional y otros*, Diario La Ley 2001, n° 5267, p. 10-12.

Spanish Football Federation, the Higher Sports Council and the football club employing him, the Real Club Deportivo La Coruña. The dispute concerned the conditions for registering the player with the National Football League. The *Juzgado*, in accordance with decisions of the Court of Justice,<sup>91</sup> held that Article 38 of the Association Agreement with the Czech Republic,<sup>92</sup> banning all discrimination against Czech nationals lawfully employed in the territory of a Member State as regards their terms of employment, had direct effect. The League's refusal to register him as a Community player was discriminatory and contrary to Article 38; the *Juzgado* ordered the decision to be withdrawn with immediate effect.

In **Finland**, the Supreme Administrative Court (*Korkein Hallinto-oikeus*) considered<sup>93</sup> the effects in time of the judgment given by the Court of Justice in *Barber*.<sup>94</sup> The applicant challenged local pensions regulations whereby the right of the widower or widow of a deceased worker to a survivor's pension was conditional on the deceased spouse having been the principal source of the family's income, arguing that this was discriminatory. The applicant's spouse had worked for the local authority until 1972 and received an invalidity pension from then until her death in 1994. The Supreme Administrative Court held that under the rule in *Barber* retirement pensions paid by vocational schemes were benefits paid by the employer to the worker by reason of the employment and were accordingly within the scope of Article 141 of the EC Treaty, though that Article could not be pleaded in support of a claim to pension entitlement under a vocational scheme with effect from a date preceding the *Barber* judgment, given on 17 May 1990. As regards Member States that acceded to the Community after 17 May 1990, the *Barber* date must be replaced, in accordance with Article 2(3) of Directive 96/97,<sup>95</sup> by 1 January 1994. While stressing that the benefits paid under a vocational social security scheme and corresponding to periods of employment before 1 January 1994 could not be regarded as remuneration, except those for which the recipients or those entitled through them had brought an action in the courts or lodged an equivalent claim under domestic law, the Court accordingly held that the applicant could not plead the principle of equal pay, since the applicant's spouse had stopped working in 1972 and no action or claim had been started before 1 January 1994.

In **France**, following the judgment of the Court of Justice in *Greenpeace*,<sup>96</sup> the Council of State (*Conseil d'Etat*) broadly confirmed the validity of the Order of the Minister of Agriculture and Fisheries of 5 February 1998 entering three genetically modified varieties of maize in the official catalogue of species and varieties of plants cultivated in France

---

<sup>91</sup> Case C-18/90, *Kziber* [1991] ECR I-0199 (judgment given on 31.1.1991), Case C-162/96, *Racke* [1998] ECR I-3655 (16.6.1998) and Case C-262/96 *Sürül* [1999] ECR I-2685 (4.5.1999).

<sup>92</sup> Europe Agreement establishing an association between the European Community and its Member States and the Czech Republic, OJ 1994 L 360, p. 2.

<sup>93</sup> KHO 2001:6.

<sup>94</sup> Case 262/88 *Barber* [1990] ECR I-1889 (judgment given on 17.5.1990).

<sup>95</sup> Council Directive 96/97/EC of 20.12.1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes, OJ L 46 p. 20.

<sup>96</sup> Case C-6/99 [2000] ECR I-1651 (Judgment given on 21.3.2000).

and authorising them to be cultivated.<sup>97</sup> In 1994 the French authorities had received an application for the marketing of three genetically modified varieties of maize. They examined the applications and then passed them to the Commission in accordance with the procedure laid down by Directive 90/220 on the voluntary release of genetically modified organisms in the environment.<sup>98</sup> The Commission's decision was in favour, and by Order of 5 February 1998 the Minister of Agriculture and Fisheries entered the three varieties in the official catalogue of species and varieties of plants cultivated in France and authorised them to be cultivated.

In an action brought by several associations and individuals, the Litigation Section of the *Conseil d'Etat* gave a first decision staying the implementation of the Order pending a decision on its legality. In a second decision, it then held that the applications raised a serious question of Community law requiring a preliminary ruling from the Court of Justice. Following the interpretation given by the Court of Justice, it finally settled the dispute by ruling that "in view of the interpretation put on Council Directive 90/220/EEC of 23 April 1990 by the Court of Justice ..., and since the Commission of the European Communities had taken ... a decision in favour of marketing the varieties concerned by the Order challenged here, the French Government, having been apprised of no new facts relating to the risks inherent in these varieties between the transmission of the file to the Community authorities and the Commission decision, was under a duty to issue the written consent provided for by Article 13(4) of the Directive; consequently, even if the irregularities in the national procedure preceding transmission of the file to the Commission of the European Communities are such as to affect the validity of the Commission's favourable decision and therefore the legality of the written consent, all the arguments relating to these irregularities are inoperative; likewise, the arguments relating to internal legality as regards the assessment of the potential risks from these seeds can be considered only if they concern new facts arising between the Community authorities' favourable decision and the French Government's decision and are such as to cast doubts on the assessment to which these authorities came".

Turning to the period of validity of the entry in the official catalogue of the three varieties produced by the defendant firm, the *Conseil d'Etat* held that, by limiting the entry to a period of three years, the Order being challenged violated the Decree of 18 May 1981 setting the period at ten years and must therefore be annulled on this point. But the *Conseil d'Etat* specified that its decision "does not preclude the Minister, acting under section 20 of the Act of 13 July 1992 and sections 7 and 7(1) of the Decree of 18 May 1981, as amended, transposing Article 15 of Directive 70/457 and Article 16 of Directive 90/220, from suspending or revoking the entry if he considers that the conditions for entry are no longer met or that a new assessment justifies him in so doing, provided he informs the Community authorities so that a decision can be taken in accordance with the Directives".

---

<sup>97</sup> *Conseil d'Etat*, judgment given on 22.11.00, *Association Greenpeace France et autres*, *Revue française de droit administratif* 2000, p. 278.

<sup>98</sup> Council Directive 90/220/EEC of 23.4.1990 on the deliberate release into the environment of genetically modified organisms, OJ L 117, p. 15, as amended by Commission Directive 97/35/EC of 18.6.1997 adapting to technical progress for the second time Council Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms, OJ L 169, p. 72.

In France also, in a decision based on the judgment of the Court of Justice in *Eglise de Scientologie de Paris and Scientology International Reserves Trust*,<sup>99</sup> the *Conseil d'Etat*<sup>100</sup> ruled on the French scheme of prior authorisation for direct investments from abroad liable to be contrary to public policy and public security. Applying the interpretation given by the Court of Justice, the *Conseil d'Etat* held that, by subjecting direct investments from abroad to prior authorisation from the Ministry of Economic Affairs and by not giving the information demanded by the Court to enable foreign investors to know in what specific circumstances an authorisation is needed, Decree 96-117 of 14 February 1996 was contrary to the combined provisions of Articles 56 and 58 of the EC Treaty and, accordingly, legality. It consequently annulled the Prime Minister's implicit decision rejecting the Church of Scientology's request for revocation of the offending provisions.

In another French case, the *Conseil d'Etat*<sup>101</sup> partly annulled a Ministerial Order laying down the conditions for issuing a trader's card for failure to comply with Community provisions governing recognition of qualifications.

The applicant, a tourist guide of Greek nationality, had unsuccessfully applied for access to certain monuments on the basis of an Interministerial Order of 15 April 1999 which, while specifying the qualifications required for the issue of a professional tourist guide's card, made no provision for a system of equivalence of qualifications acquired in other Member States of the European Community. He therefore applied to the Administrative Court for annulment on grounds of *ultra vires*, arguing that the Order was contrary to the Treaty provisions on freedom to provide services in that it did not provide for the conditions in which guides holding qualifications from other Member States of the European Union could work in France. Recalling France's obligations not only under Articles 49 and 50 of the EC Treaty as interpreted by the Court of Justice but also under Directives 89/48<sup>102</sup> and 92/51,<sup>103</sup> and noting that the Order merely provided for the conditions for issuing professional cards only to the holders of French qualifications, the *Conseil d'Etat* found for the applicant as the 1999 Order generated a difference in treatment between holders of French and foreign qualifications, contrary to Articles 49 and 50 of the Treaty. This decision aroused widespread comment as it required the authority empowered to make regulations to take measures in line with Community law. The *Conseil d'Etat* held that "the inevitable consequence of this decision is that the relevant authorities must, within a reasonable period of time, take the measures provided for by the Decree to issue professional cards to Community nationals who do not hold French qualifications". It also stated that, until new regulations have been made, the

---

<sup>99</sup> Case C-54/99 [2000] ECR I-1335 (judgment given on 14.3.2000).

<sup>100</sup> *Conseil d'Etat* (France), judgment given on 8.12.2000, *Association Eglise de Scientologie de Paris et autres*, n° 181533, *Revue française de droit administratif* 2000 p. 278-279.

<sup>101</sup> *Conseil d'Etat* (France), judgment given on 29.6.2001, req. 213229, *Thalès Vassilikiotis*, accessible at <http://www.conseil-etat.fr>

<sup>102</sup> Council Directive 89/48/EEC of 21.12.1988 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, OJ L 19, 24.1.1989, p. 16.

<sup>103</sup> Council Directive 92/51/EEC of 18.6.1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48, OJ L 209, 24.7.1992, p. 25.

relevant authorities must issue cards to Community nationals who apply for them, deciding case by case, subject to judicial review, whether the qualifications they hold are equivalent to the corresponding French qualifications.

In *Maher v Minister for Agriculture*,<sup>104</sup> concerning the validity of the European Communities (Milk Quota) Regulations 2000,<sup>105</sup> implementing in Ireland Council Regulation No 3950/92<sup>106</sup> establishing an additional levy in the milk and milk products sector, as amended by Regulation No 1256/99,<sup>107</sup> the Supreme Court of **Ireland** had to rule on the relationship between Community law and the constitutional prerogative of the Oireachtas as the sole body enjoying legislative power. To boost the possibilities of decentralised management of reference quantities for the restructuring of milk production or the improvement of the environment, Regulation No 3950/92, as amended, provides that certain of its provisions are to be implemented by the Member States at the appropriate tier of government. In Ireland, Articles 6, 8 and 8a of Regulation No 3950/92, as amended, were implemented by the European Communities (Milk Quota) Regulations 2000. The question was whether the implementation of the relevant provisions by regulations made by the Minister of Agriculture rather than by Act of Parliament was a breach of Article 15.2.1 of the Constitution, whereby the legislative power belongs solely to the Oireachtas. The problem was that, while under Article 29.4.7 of the Constitution, “No provision of this Constitution invalidates laws enacted, acts done or measures adopted by the State which are necessitated by the obligations of membership of the European Union or of the Communities”, the measures adopted by the Minister of Agriculture to reassign reference quantities to active producers subject to certain conditions were not necessary for the implementation of the Community regulations. The Supreme Court held that, although the national regulations reassigning reference quantities to active producers were not strictly necessary for the implementation of the relevant provision of the two Community regulations, they none the less helped to attain a Community objective delegated by the Community to the Member States. It followed that, when making the national regulations, the State of Ireland was bound by the “principles and policies” governing the common organisation of the market in milk products, so that the option of implementing them by means of Ministerial Regulations did not jeopardise the monopoly on legislative power held by the Oireachtas.

In **Italy**, the *Corte di cassazione*, applying the principles posited by the Court of Justice in *Job Centre*,<sup>108</sup> confirmed<sup>109</sup> its constant approach of disapplying Italian legislation on the monopoly of public job placement services. The action was brought by the employment inspectorate against a decision by the *Pretore* in Udine in 1998 annulling the payment order addressed to certain firms who had been fined for employing workers without

---

104 [2001]2 ILRM 481; [2001]2 CMLR 1195.

105 S.I. No. 94, 2000.

106 Council Regulation (EEC) No 3950/92, of 28.12.1992, establishing an additional levy in the milk and milk products sector, OJ L 405, 31.12.1992, p. 1.

107 Council Regulation (EEC) No 1256/1999 of 17.5.1999 amending Council Regulation (EEC) No 3950/92, of 28.12.1992, establishing an additional levy in the milk and milk products sector, OJ L 160, p. 73.

108 Case C-55/96, *Job Centre* [1997] ECR I-7119 (Judgment given on 11.12.1997).

109 *Corte di Cassazione, Sezione Lavoro*, judgment given on 4.5.2001, *Alfredo Lucio Rinaldi e Società EMCO Est Manifatture, Rinaldi, Alfredo Lucio; EMCO Est manifatture (Società)*.

complying with their obligations under the Act of 29 April 1949<sup>110</sup> to use the local public placement service. The employment inspectorate presented two arguments in support of its claim. First, it argued that the court at first instance had wrongly treated *Job Centre* as repealing national legislation whereas the Court of Justice had the power to give mandatory interpretations only of Community law and not of domestic law. Second, the Act of 23 July 1991,<sup>111</sup> which was in force at the time of the material events, had liberalised the sector by placing the employer solely under an obligation to inform the placement services of all workers hired autonomously. The *Corte di cassazione* rejected both arguments.

Regarding the first argument, the court held that, as the Constitutional Court had already stated,<sup>112</sup> the interpretation applied by the Court of Justice “determines the content and scope [of provisions of Community law] on a mandatory basis, so its interpretation has the same immediate effect as the provisions it interprets”. It concluded that the national authorities must disapply provisions of domestic law that conflict with Community law as interpreted by the Court of Justice.

On the second argument, the *Corte di cassazione* held that, since at the time of the material events the Italian public system was not capable of satisfying demand on the market, any form of restriction or condition, direct or indirect, on the power to hire workers in Italy was contrary to Community competition rules as interpreted by the Court of Justice.<sup>113</sup> Such a restriction was the clear result of the 1991 Act, and more particularly of the obligation for employers to present public placement services with a statement of intention to employ named persons, given that those services had the power to prohibit a recruitment. The Court held that this was a sort of public control enabling the placement services to continue abusing their dominant position and that even the administrative penalty in the event of a breach of the obligation to declare workers employed was a residual form of the original ban on direct recruitment, but it dismissed the action and confirmed the decision by the *Pretore* at Udine of 29 August 1998.

The *Tribunale* at Terni, in a case concerning the compatibility with Community law of national regulations providing for criminal penalties against persons providing intermediary services for profit in the placement of workers,<sup>114</sup> took a questionable interpretation of the judgment of the Court of Justice in *Job Centre*.<sup>115</sup> In that case the Court of Justice held that “A Member State which prohibits any activity as an

---

<sup>110</sup> L. 29-4-1949 264, Provvedimenti in materia di avviamento al lavoro e di assistenza dei lavoratori involontariamente disoccupati, *Gazzetta Ufficiale della Repubblica Italiana*, No 125, 1.6.1949, S.O.

<sup>111</sup> L. 23-7-1991 223, Norme in materia di cassa integrazione, mobilità, trattamenti di disoccupazione, attuazione di direttive della Comunità europea, avviamento al lavoro ed altre disposizioni in materia di mercato del lavoro, *Gazzetta Ufficiale della Repubblica Italiana*, n° 175, 27.7.1991, S.O.

<sup>112</sup> *Corte costituzionale*, judgment given on 11.7.1989, n° 389, Provincia Autonoma di Bolzano c. Presidente del Consiglio, *Giurisprudenza costituzionale*, 1989, I, p. 1757.

<sup>113</sup> It will be remembered that in *Job Centre* (Case C-55/96, *supra*), the Court of Justice stated that the Italian court should disapply domestic regulations prohibiting private activities of intermediaries between demand and supply of labour, which create the conditions in which public placement services unable to meet demand on the labour market are inevitably in breach of Article 82 of the EC Treaty.

<sup>114</sup> *Tribunale* for Terni, judgment given on 7.7.2000, C.L., *Giurisprudenza di merito* 2001, p. 132-133.

<sup>115</sup> Case C-55/96, *supra*.

intermediary between supply and demand on the employment market, whether as an employment agency or as an employment business, unless carried on by those offices, is in breach of Article 86(1) of the Treaty where it creates a situation in which those offices cannot avoid infringing Article 82 of the Treaty". The Court specified that a finding of such a breach depended on certain conditions being met, among them the fact that the public placement offices are manifestly unable to satisfy demand on the market for all types of activity. Although it held that the burden of proving this inability lay with the accused, who had not proved that the public placement services were unable to perform as required, the *Tribunale* conclude that the national regulations were compatible with Community law.

In our last Italian case, the *Tribunale* at Milan held<sup>116</sup> that a German *Rechtsanwalt* practising as a lawyer in Italy without first having his qualifications recognised, could not be convicted of unlawfully exercising a profession. It held that, by prohibiting lawyers qualified in other Member States from acquiring infrastructure for the exercise of the profession in Italy, the Italian regulations governing authorisation to practise as a lawyer for persons qualified in other Member States were contrary to Article 49 of the EC Treaty. It added that, by making the recognition of qualifications obtained in other Member States conditional on success at a test of the applicant's professional knowledge and abilities, the test being substantially more difficult than the examination for qualification as a lawyer in Italy, and by requiring recognition to be given by Ministerial Order, the Italian regulations were incompatible with Articles 1(g) and 4 of Directive 89/48.<sup>117</sup> Since the rules governing the technical test were not laid down by the Act but set case by case by Ministerial Order, the transposal of that Directive was also, the *Tribunale* held, incomplete. Finally, the acquittal of the accused, based on the disapplication of the national criminal statute on grounds of incompatibility with Community law, must be based on the limits imposed by the scope of the criminal law under the first paragraph of section 3 of the Criminal Code rather than being treated as a cause of justification under section 51.

In the **Netherlands**, the Supreme Court (*Raad van State*), in a judgment given on 25 July 2001,<sup>118</sup> interpreted the concept of "discharge" for the purposes of Article 7(2) of Directive 76/464<sup>119</sup> (discharges into inland surface waters require prior authorisation). It held that a cattle-breeding establishment emitting ammoniac steam that could condense and fall on to surface waters was not discharging since the pollution of surface waters by ammoniac was due to other factors, including fertilisers on neighbouring land, cattle breeding and local fauna, and the portion of the pollution caused by the relevant firm could not be quantified. This decision would seem to contradict the judgment given by

---

<sup>116</sup> *Tribunale* for Milano, Sezione IX penale, judgment given on 1.3.2001, *Il Corriere giuridico* 2001, p. 1359-1363.

<sup>117</sup> Council Directive 89/48/EEC of 21.12.1988 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, OJ L 19, p. 16.

<sup>118</sup> *Raad van State, Vereniging Milieudefensie v Burgemeester en wethouders van Denekamp*, Administratiefrechtelijke beslissingen, 2001, n° 392.

<sup>119</sup> Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community, OJ 1976 L 129, p. 23.



the Court of Justice in *Van Rooij*,<sup>120</sup> holding that the concept of “discharge” was to be interpreted as including the emission of polluted steam that condenses and is precipitated on to surface waters and specifying that “The distance between those waters and the place of emission of the contaminated steam is relevant only for the purpose of determining whether the pollution of the waters cannot be regarded as foreseeable according to general experience, so that the pollution is not attributable to the person causing the steam”.

In **Portugal**, in a merger-control case under Regulation No 4064/89,<sup>121</sup> the Supreme Administrative Court (*Supremo Tribunal Administrativo*)<sup>122</sup> adopted a particularly restrictive interpretation of the effect of Community acts in the national legal order. The case concerned the suspension of a decision by the Portuguese Minister of Finance banning a merger, requested by one of the firms concerned, following a Commission decision ordering the revocation of the national decision, regarded as contrary to Community law. The *Supremo Tribunal Administrativo* considered that the direct effect of the Commission decision was not sufficient for it to be automatically imposed on national courts and refused to order the provisional suspension of the Minister’s decision, on the ground among others that recognising the primacy of the Community act would jeopardise the independence of the judiciary. The legal force of the Commission decision was equivalent to a simple administrative act under domestic law and the fact that an individual litigant pleaded it in the Portuguese courts would not remove the need to follow all the procedures of the Portuguese system. It supported its finding on the basis of decisions of the Court of Justice, in particular *Francovich*.<sup>123</sup> But its reasoning neglected the principles of effectiveness and equivalence repeatedly affirmed by the Court.<sup>124</sup>

In the **United Kingdom**, the House of Lords, in *Berkeley v Secretary of State for the Environment and another*,<sup>125</sup> that “where planning permission had been granted in respect of a project likely to have a significant effect on the environment, a court was not entitled retrospectively to dispense with the requirement of an environmental impact assessment [under Directive 85/337]<sup>126</sup> on the ground that the outcome would have been the same or that the planning authority or Secretary of State had all the information necessary to enable them to reach a proper decision on the environmental issues”. The permission was for a project to expand the Fulham football ground in the western suburbs of London, which had a potential environmental impact on the Thames. It was issued by the Secretary of State for the Environment following a public inquiry, without verification whether an environmental impact assessment was required under the Town and Country

---

<sup>120</sup> Case C-231/97, *Van Rooij* [1999] ECR I-6355 (Judgment given on 29.9.1999).

<sup>121</sup> Council Regulation (EEC) No 4064/89 of 21.12.1989 on the control of concentrations between undertakings, OJ L 395, p. 1.

<sup>122</sup> Judgment given by the *Supremo Tribunal Administrativo* on 27.10.1999, Case No 45389-A, in *Cadernos de Justiça Administrativa*, n° 29, Setembro/Outubro 2001, p. 18.

<sup>123</sup> *Supra*.

<sup>124</sup> See Cases C-33/76 *Rewe* and 45/76, *Comet* [1976] ECR 2043 (judgments given on 16.12.1976), and, more recently, Case C-261/95 *Palmisani* [1997] ECR I-4025 (judgment given on 10.12.1997).

<sup>125</sup> House of Lords, *Berkeley v Secretary of State for the Environment and another*, *The Law Reports: Appeal Cases* 2001, Vol. 2, p. 603-618.

<sup>126</sup> *Supra*.

Planning Act 1990, which transposed Directive 85/337 in the United Kingdom. Their Lordships referred to the conclusions of Mr Advocate-general Elmer in *Commission v Germany*<sup>127</sup> and *Kraaijeveld*<sup>128</sup> and noted that the Directive required that decisions to give building permission be taken by a democratic procedure enabling the general public to express an opinion on the consequences of the project for the environment. They concluded that a court could not retrospectively release the authorities from their duty to conduct an environmental impact assessment on the ground that the assessment would have no effect on the outcome of the procedure or that the authorities in fact had all the information needed for a decision. They added that it would be contrary to obligations under Community law for a court to uphold permission given in a manner contrary to the Directive.

In *R v Independent Television Commission, ex parte TV Danmark 1 Ltd*<sup>129</sup> the House of Lords held that the Independent Television Commission (ITC) was entitled to refuse to give TV Danmark – a cable television channel based in the UK but broadcasting to Denmark – the authorisation to acquire exclusive retransmission rights in certain football matches involving the Danish national team. TV Danmark had acquired at auction the exclusive rights to retransmit five of the Danish team’s qualifying matches for the 2002 world cup. The matches were on the list of events of major importance drawn up by Denmark under Article 3a(1) of Directive 89/552.<sup>130</sup> This meant that a television channel received by less than 90% of the population, as was the case of TV Danmark, had to share its exclusive rights with other operators at a fair and reasonable price. But TV Danmark had not offered the opportunity to Danish public television channels, so the ITC, after consulting the appropriate bodies in Denmark, refused to authorise it to acquire the exclusive rights. The House of Lords, considering that the Court of Appeal had been wrong to hold that the ITC could withhold approval only if the auction sale of the rights had not been conducted fairly, upheld the ITC’s decision.

In another United Kingdom case, *R v Durham County Council and others, ex parte Huddleston*,<sup>131</sup> the Court of Appeal considered the limits and consequences of the direct effect of directives. The applicant, who lived in the District of Durham, had sought judicial review of a decision by the Durham County Council, taken in accordance with relevant domestic rules – the Planning and Compensation Act 1991 – giving a property developer permission to register a mining licence in the District, the licence already having been obtained but suspended for non-use. But there had been no environmental impact assessment of the project under Directive 85/337.<sup>132</sup> The applicant submitted that

---

127 Case C-431/92 [1995] ECR I-2189 (Judgment given on 11.8.1995).

128 Case C-72/95 [1996] ECR I-5403 (Judgment given on 24.10.1996).

129 House of Lords, *R v Independent Television Commission, ex parte TV Danmark 1 Ltd*, *The Weekly Law Reports* 2001, Vol. 1, p. 1604-1616.

130 Council Directive 89/552/EEC of 3.10.1989 on the coordination of certain provisions laid down by Law, Regulation or Administrative Action in Member States concerning the pursuit of television broadcasting activities, OJ L 298, p. 23.

131 Court of Appeal (England and Wales), Civil Division, *The Weekly Law Reports*, 2000, Vol. 1, p. 1484-1501.

132 Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, OJ L 175, p. 40.

he could plead the Directive, in particular the obligation for Member States to take the necessary measure to ensure that projects liable to have a substantial environmental impact were subject to prior assessment, against the crown, of which the local authority was an emanation. These arguments were rejected by the High Court, which had held that acknowledging the directive's direct effect would have consequences for relations between the applicant and the promoter, that is to say two individuals, which would mean that the Directive had "horizontal" direct effect place the promoter under obligations expose him to the risk of penalties for breach of the Town and Country Planning Acts. The Court of Appeal set this decision aside, holding that it was for the district authorities and the promoter to disregard such national legislation as was contrary to the Directive and give the Directive direct effect.

Still in the United Kingdom, the High Court, in *OT Africa Line Ltd v Fayad Hijazy and others (The 'Kribi')*,<sup>133</sup> held that Article 6 of the European Human Rights Convention, securing the right to a fair trial, did not give the parties an unlimited choice of forum. Bills of lading contained a clause conferring exclusive jurisdiction on the High Court in London. The applicants, UK-based ship-owners, applied to the High Court for an injunction prohibiting the defendants from proceeding with an action they had begun in the Belgian courts (anti-suit injunction). They based their application on Article 17 of the Brussels Convention, relating to choice-of-jurisdiction clauses. The defendants pleaded Article 6 of the European Human Rights Convention, which guarantees that "everyone is entitled to a fair and public hearing ... by an independent and impartial tribunal established by law". Although the action in it was the second in time, the High Court felt able to issue an injunction prohibiting the defendants from proceeding with their action in Belgium.

The High Court recalled that it had been held by the Court of Appeal that Article 17 of the Brussels Convention, relating to choice-of-jurisdiction clauses, prevailed over Article 21 of the Convention, conferring jurisdiction on the first court in which an action was brought. This meant that the courts had to give effect to an exclusive choice-of-jurisdiction clause in accordance with Article 17. On the defence argument that an injunction against proceeding with the action in Belgium was in breach of Article 6 of the European Human Rights Convention, the High Court held that, while Article 6 guaranteed that "everyone is entitled to a fair and public hearing ... by an independent and impartial tribunal established by law", this did not mean that a person was always free to choose the court in which to defend his rights. The effect of such a broad interpretation would be to jeopardise the entire system of jurisdiction established by the Brussels Convention. In the present case, since the jurisdiction of the English courts had not been imposed arbitrarily and there was no reason to believe that the conditions of Article 6 of the European Human Rights Convention were not met, the High Court held that the relevant clause was compatible with Article 17 of the Brussels Convention. It also held that it had jurisdiction to entertain the action for an injunction, which it proceeded to issue.

---

<sup>133</sup>

High Court of Justice (England and Wales), Queen's Bench Division, Lloyd's Reports 2001, Vol. 1, p. 76-94.

The High Court, in *Gough and Smith v Chief Constable of Derbyshire, Miller v Leeds Magistrates Court* and *Lilley v Director of Public Prosecutions*,<sup>134</sup> held that the prohibitions on leaving the territory of the United Kingdom under the Football Spectators Act 1989 were not in breach of Article 7 of the European Human Rights Convention and were not an unjustified restraint on free movement of persons under Article 49 of the EC Treaty.

Under the Football Spectators Act 1989, persons who have been convicted of acts of violence at a football match may be prohibited from leaving the national territory. Orders were made against several individuals under the relevant provisions after being arrested in the company of persons regarded by the police as members of organised groups of hooligans. The individuals prohibited from leaving the national territory argued that the prohibition was contrary to Community law, since the only allowable restrictions on the right to leave the territory of a Member State are those which, like imprisonment, are provided for by the criminal law or derive from constraints of public policy or are recognised by the Court of Justice a part of the general principles of Community law. They further argued that, since at the time of the convictions the maximum duration of the prohibition was only three years whereas the prohibition provided for by the Football Spectators Act was for six years, it was therefore contrary to Article 7 of the European Human Rights Convention, which prohibits penalties which are heavier than those which were applicable at the time of the offence. The High Court dismissed these arguments. On the first argument, it held that in certain cases the Member States had to be allowed the power to prevent a Union national from leaving its territory on public policy grounds, and the power to do so could not be interpreted in restrictive terms. It also held, since the earlier measures had proved ineffective, that the current measures were not disproportionate in terms either of Community law or of Article 7 of the European Human Rights Convention. On the second argument, specifying that the purpose of the prohibition was not to impose a penalty but to protect the public both in the United Kingdom and abroad from the scourge of football-related violence, the High Court held that the prohibition on leaving United Kingdom territory provided for by the Football Spectators Act was not a penalty under Article 7 of the European Human Rights Convention.

In yet another United Kingdom case, the High Court in Northern Ireland, in *Re T's Application for Judicial Review*,<sup>135</sup> annulled the decision by the Secretary of State for the Home Department to expel an American citizen, an unmarried mother, from the United Kingdom. The claimant, who arrived in Ireland in 1996 and had been given leave to stay for three months, had entered Northern Ireland, where, on the basis of UK legislation, she had been given leave to stay in the UK for three months. Thereafter she had stayed illegally in Northern Ireland, where she gave birth to an illegitimate daughter in July 1997. In accordance with Irish law, she had registered her daughter for Irish nationality. As she was refused further leave to stay in the United Kingdom, she applied, after the administrative procedure, for judicial review of the decision in the High Court in Northern Ireland. The Court proceeded on the basis not of the Community law

---

<sup>134</sup> High Court of Justice (England and Wales), Queen's Bench Division, *The Weekly Law Reports*, Vol. 3, p. 1392-1434.

<sup>135</sup> High Court of Justice (Northern Ireland), *The Northern Ireland Law Reports*, 2000, p. 516-542.

considerations pleaded by the applicant but of the fundamental right to life, secured by the European Human Rights Convention and threatened in this case by the applicant's psychological condition and the risk that she would commit suicide if expelled.

The High Court held that the applicant's argument that her expulsion would have the effect of depriving her daughter of the freedom to exercise the freedom of movement and residence in the Community under Article 18 of the EC Treaty failed. On the basis of cases decided by the Court of Justice, it held that there was no need to seek a preliminary ruling. Coghlin J. sitting in the High Court stated that Article 18 did not change the principle that the right to move and reside freely in the Member States was not applicable to purely domestic situations and that it did not have the effect of extending the right of residence enjoyed by nationals of the Member States. He referred to cases decided by the Court of Appeal in England,<sup>136</sup> and added that even if Article 18 had the effect of generating a new right – the right to reside in one's own Member State coupled with a right to family unification – it would not be clear and unconditional enough to be recognised as having direct effect. Coghlin J. recalled that, although the conclusions of Mr Advocate-General La Pergola in *Martinez Sala*<sup>137</sup> and those of Mr Léger in *Boukhalfa*<sup>138</sup> had proposed recognising direct effect, the Court of Justice had not so far adopted that interpretation.

As the United Kingdom had not yet transposed the European Human Rights Convention or the United Nations Convention on the Rights of the Child 1989 at the material time, the High Court also rejected the arguments based on violation of them. But the High Court stated that the right to life was secured both by the common law and by the European Human Rights Convention and, considering the fundamental nature of this right, held that the Secretary of State had under-estimated the risk that the applicant would commit suicide; it accordingly annulled the expulsion order.

In our last United Kingdom case, the Employment Appeal Tribunal, in *Macdonald v Ministry of Defence*,<sup>139</sup> held that the ban on sex discrimination in the Sex Discrimination Act 1975 also applied to discrimination based on sexual orientation. The applicant, an officer in the Royal Air Force, had been required to resign after coming out as a homosexual. The Employment Appeal Tribunal referred to the case-law of the European Court of Human Rights holding that the ban on "sex" discrimination in the European Human Rights Convention applied also to discrimination on the basis of sexual orientation. The Employment Appeal Tribunal stated that there was a general presumption that UK domestic law was in conformity with the European Convention when it was signed by the United Kingdom, before the Human Rights Act 1998 came into force in October 2000, and held that the ambiguity surrounding the word "sex" in the 1975 Act had to be cleared in the light of recent cases in the Strasbourg Court, and that it should therefore take that Court's broad interpretation, including sexual orientation. Lord

---

<sup>136</sup> *Phull v Secretary of State for the Home Department*, European Current Law 1996, Part 4, No 26 (summary), and *R v Secretary of State for the Home Department, ex parte Vitale* [1996] Common Market Law Reports 1996, Vol. 2, p. 587-600.

<sup>137</sup> Case C-85/96 [1998] ECR I-2691 (Judgment given on 12.5.1998).

<sup>138</sup> Case C-214/94 [1996] ECR I-2253 (Judgment given on 30.4.1996).

<sup>139</sup> Employment Appeal Tribunal, Industrial Cases Reports, 2001, p. 1-14.

Johnston stated that the judgment given by the Court of Justice in *Grant*,<sup>140</sup> holding that Article 141 of the EC Treaty did not cover discrimination based on orientation, would not have greatly influenced the Employment Appeal Tribunal's decision in *Macdonald v Ministry of Defence*, since *Grant* concerned an equal pay situation and the definition of "sex" was immaterial to it. But the Court of Session, by a majority,<sup>141</sup> recently set this decision aside on the ground that the Sex Discrimination Act 1975 did not apply to discriminations based on sexual orientation. Now that the Ministry of Defence has acknowledged, however, that it was in breach of Article 8, read with Article 14, of the European Human Rights Convention, the applicant is entitled to compensation for the loss sustained. And following the enactment of the Human Rights Act 1998, the Ministry of Defence has withdrawn the ban on homosexuality in the armed forces.<sup>142</sup>

---

<sup>140</sup> Case C-249/96, *Grant v South-West Trains*, [1998] ECR I-0621 (judgment given on 17.2.1998).

<sup>141</sup> Court of Session, Inner House, *Industrial Relations Law Reports*, 2001, p. 431-441.

<sup>142</sup> But the facts dated from 1997, before the amendment.