

# [Commission refers Italy to the Court for failure to transpose EU rules on protection against radiation](#)

Today, the Commission has decided to refer **Italy** to the Court of Justice of the EU due to its failure to transpose the revised basic safety standards for protection against the dangers arising from exposure to ionising radiation ([Council Directive 2013/59/Euratom](#)). The Directive modernises and consolidates European radiation protection legislation. These rules lay down basic safety standards to protect workers, members of the public, and patients against the dangers arising from exposure to ionising radiation. This also includes emergency preparedness and response provisions that were strengthened following the Fukushima nuclear accident. In December 2013, Member States agreed to transpose the Directive by 6 February 2018 and to communicate to the Commission the measures and provisions adopted in national law.

In [May 2018](#), the Commission decided to open EU infringement proceedings against Italy by sending a letter of formal notice, followed by a reasoned opinion in [January 2019](#). To date, no legislation transposing the Directive into Italian national law has been adopted and/or notified to the Commission by the Italian authorities. Therefore, the Commission has decided to refer Italy to the Court.

## **Background**

The [Euratom Treaty](#) empowers the Community to establish basic safety standards to protect the health of workers and the general public against dangers arising from ionising radiation.

The first Euratom Basic Safety Standards Directive was adopted in 1959 and has since been regularly updated. The latest revision from December 2013 took account of the scientific and technological progress since the 1990s, and consolidated five earlier legal acts into a single piece of legislation.

Furthermore, the Basic Safety Standards Directive, inter alia, strengthened the requirements on emergency preparedness and response in case of radiological emergency, and provided for radiation protection education, training and provision of information to the public.

Once fully implemented, the Basic Safety Standards Directive will bring the highest level of radiation protection of workers, patients and the general public across the EU.

## **For More Information**

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## [Energy: Commission refers Belgium to the Court for failing to comply with EU rules on electricity and gas markets](#)

Today, the European Commission has decided to refer **Belgium** to the Court of Justice of the EU for failure to ensure the correct implementation of EU electricity market rules (Electricity Directive, [Directive 2009/72/EC](#)) and of the EU gas market rules (Gas Directive, [Directive 2009/73/EC](#)). Both Directives are part of the [Third Energy Package](#) and contain key provisions for the proper functioning of energy markets.

Belgium did not correctly transpose certain rules on the powers of the national regulator. In particular, the Belgian regulator has not been given the powers to take decisions that are binding on electricity and gas undertakings, and can only make proposals to the government to take such decisions. Likewise, the conditions for connection to the electricity and gas networks are set by the government rather than by the regulator, as required by EU law. Finally, Belgian law does not ensure that transmission system operators actually control the whole of the electricity or gas network for which they are responsible, so they may not be in a position to fully ensure non-discriminatory access of electricity or gas suppliers to the grid.

The Commission decided to open EU infringement proceedings against Belgium in October 2014 by sending a letter of formal notice, followed by a reasoned opinion in [February 2016](#). Since Belgium has not addressed all the issues raised, the Commission decided to refer the case to the Court of Justice of the EU.

### **Background**

The [Third Energy Package](#) is composed of two Directives (the Electricity Directive, [Directive 2009/72/EC](#) and the Gas Directive, [Directive 2009/73/EC](#)). This package also contains three EU Regulations (the Electricity Regulation [\(EC\) No 714/2009](#), the Gas Regulation [\(EC\) No 715/2009](#) and the ACER Regulation [\(EC\) No 713/2009](#)) and establishes key provisions for the proper functioning of energy markets to the benefit of consumers.

The package includes EU rules on the unbundling of transmission system operators from energy suppliers and producers in order to ensure non-discriminatory access of all suppliers and producers to electricity and gas transmission networks. When Member States choose the so-called 'independent transmission operator' (IT0) unbundling model – under which it is permitted that an undertaking active in production or supply of electricity or gas also owns a transmission system (vertically integrated undertaking) – they have to

make sure that the transmission system is effectively run separately from the other activities of the vertically integrated undertaking.

A core element of the electricity and gas market framework is the stronger independence and the powers of national regulators under the Electricity and Gas Directive. In particular, the Directives provide that national regulators should be independent of the government or business interests and should have the power to independently determine tariffs or the methodologies for calculating tariffs for the use of electricity and gas networks and other terms and conditions for access to those networks. The Electricity and Gas Regulations also lay down rules on the calculation of network tariffs, which shall take into account all actual costs incurred to network operators.

At the same time, given the increased independence and competences of national regulators, the Directives establish, as a guarantee for transparency and legality, certain rules on regulators' accountability. The requirement for the Member States to ensure a possibility for appeal (before a court or another independent body) by parties affected by the regulator's decisions is a central aspect of this accountability.

**For More Information**

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## [Waste water: Commission refers Sweden to the Court for its failure to treat urban waste water](#)

Today, the European Commission decided to refer Sweden to the Court of Justice of the EU over its failure to ensure that urban waste water from a number of agglomerations receives adequate treatment, as required under EU rules ([Council Directive 91/271/EEC](#)). Untreated wastewater can put human health at risk and pollute lakes, rivers, soil and coastal and groundwater.

Sweden has failed to ensure that urban waste water is subject to appropriate treatment before it is discharged back into the environment. Although there has been progress towards compliance, Sweden is still failing to meet its obligations under EU law. Four agglomerations that discharge into sensitive areas (*Borås, Habo, Skoghall and Töreboda*) should have been in compliance since December 1998, and 6 more agglomerations (*Lycksele, Malå, Mockfjärd, Pajala, Robertsfors and Tännålen*) should have achieved compliance by December 2005.

The Commission decided to open the EU infringement procedure by sending a letter of formal notice to Sweden in [January 2010](#), followed by additional letters sent in September 2015 and April 2017, as well as a reasoned opinion in [November 2018](#). As there is still not full compliance by

all the agglomerations in question, the Commission has decided to refer the case to the Court of Justice of the EU.

## Background

The [Urban Waste Water Treatment Directive \(Council Directive 91/271/EEC\)](#) requires Member States to ensure that agglomerations (towns, cities, settlements) properly collect and treat their urban waste-water. Untreated waste water can be contaminated with harmful bacteria and viruses, presenting a risk to human health. It also contains nutrients, such as nitrogen and phosphorous, which can damage freshwaters and the marine environment, promoting excessive algae growth that chokes other living organisms, a process known as eutrophication.

## For More Information

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# [Commission takes further steps to end illegal tax breaks in the Italian and Cypriot yacht industries](#)

The Commission is today taking further steps to end illegal tax breaks in the yacht industries of Italy and Cyprus, first brought to light in the *Paradise Papers* leaks. Today's legal proceedings also form part of the Commission's ongoing efforts to stamp out unfair tax avoidance practices in the EU.

As part of today's infringement package, the Commission has decided to refer **Italy** to the Court of Justice for the EU for its failure to address an illegal system of exemptions for fuel used to power chartered yachts in EU waters. At the same time, the Commission has decided to send reasoned opinions to **Italy** and **Cyprus** for not levying the correct amount of Value Added Tax (VAT) on the leasing of yachts. Tax breaks of this type can lead to major distortions of competition.

In detail, the infringement procedures launched today concern:

- **Referral to Court: Excise duty rules for fuel in motor boats in Italy.** Current EU excise duty rules allow Member States not to tax fuel used by a navigation company for commercial purposes, i.e. the sale of sea navigation services. An exemption can apply but only if the person leasing the boat sells such services to others. In breach of EU rules, Italy allows chartered pleasure crafts, such as yachts, to qualify as 'commercial' even if they are for personal use. This situation may allow them to benefit from excise duty exemption on fuel used to power their engines.
- **Reasoned opinions: a reduced VAT base for the lease of yachts offered in**

***the tax law of Cyprus and Italy.*** Current EU VAT rules allow tax exemptions for services when the effective use and enjoyment of the product is outside the EU. However, the rules do not allow for a general flat-rate reduction without proof of where the service is actually used. Cyprus and Italy have established VAT rules according to which the larger the boat is, the less the lease is estimated to take place in EU waters. As a consequence, the applicable VAT base can be substantially reduced. If Cyprus and Italy do not act within the next two months on these reasoned opinions, the Commission may decide to bring the cases before the Court of Justice of the EU.

Due to the size of this sector, these illegal and favourable tax regimes also run counter to the fiscal consolidation processes of these Member States.

Since the beginning of its mandate, the Juncker Commission has been at the forefront of European and international efforts to [combat tax avoidance and tax evasion](#). When it comes to VAT, recent Commission initiatives seek to put in place a [single EU VAT area](#) which is less prone to fraud and would enhance cooperation between Member States. The issue of VAT fraud transcends national borders and can only be solved effectively by a concerted, [joint effort](#) of Member States.

#### **For More Information**

- On the key decisions in the July 2019 infringements package, see a full MEMO: [INF/19/4251](#).
- On the general infringements procedures, see [MEMO/12/12](#).
- On the [EU infringement procedure](#).

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## **[A Europe that protects: Continued efforts needed on security priorities](#)**

The Commission is today reporting on progress made towards an effective and genuine Security Union. Thanks to close cooperation between the European Parliament, the Council and the Commission, the EU has taken significant strides in this work, putting in place a number of priority legislative initiatives and implementing a wide range of non-legislative measures to support its Member States and enhance security for all citizens. Building on that, the report identifies areas where further work is needed to address immediate security threats. In particular, with the new European Parliament now in place, co-legislators should swiftly start negotiations on the Commission's proposal to take terrorist content off the web. Member States should also ensure the implementation of agreed new security rules as a matter of priority.

Commissioner for Migration, Home Affairs and Citizenship Dimitris **Avramopoulos** said: *“In the past 5 years, Europe has faced unprecedented security challenges. The EU’s reaction was united, swift and decisive. Based on mutual trust, we have laid the foundations of a genuine and effective Security Union on which I am confident the next Commission will continue to build.”*

Commissioner for the Security Union Julian **King** said: *“We have already made big strides towards an effective and genuine Security Union – but more remains to be done on the key outstanding proposals, including on removing terrorist content online, tackling disinformation and protecting our digital infrastructure. We also need to see full and timely implementation by the Member States of measures already adopted.”*

Following the horrific attack in Christchurch, New Zealand, today’s report reiterates the urgent need to tackle terrorist content online and radicalisation. It also recaps actions taken to build the EU’s resilience against cyber threats, enhance security of digital infrastructures and strengthen the anti-money laundering framework. This comes in addition to the Commission’s efforts to ensure full implementation of EU security laws by all Member States. The report highlights the following areas in need of action:

- **Countering terrorist propaganda online:** Following up on commitments made in the context of the [‘Christchurch Call for Action’](#), the Commission together with Europol initiated work on the development of an EU crisis protocol with the aim of finalising it by October 2019. The Commission calls on the European Parliament and the Council to resume and finalise work on the [proposed rules to remove terrorist content from the internet](#) as a matter of urgency.
- **Boosting cybersecurity:** The EU has made important progress in tackling cyber threats, however, a number of key proposals are still pending in the European Parliament and the Council. This includes a [European Cybersecurity Competence Centre and a Network of National Coordination Centres](#) as well as [cross-border access to electronic evidence](#). In all cases, the Commission calls for swift agreement by the European Parliament and the Council.
- **Strengthening digital infrastructures:** Following the Commission’s Recommendation on cybersecurity of 5G networks in March this year, EU Member States have now submitted national risk assessments. Based on the [input gathered](#), Member States, together with the Commission and the EU Agency for Cybersecurity (ENISA) will complete an EU-wide risk assessment of 5G network infrastructures by October 2019 and will then identify a set of mitigating measures by December 2019.
- **Reinforcing anti-money laundering framework:** Today the Commission also adopted a package of [4 reports](#) that will support European and national authorities in better addressing money laundering and terrorist financing risks.

The work on completing the Security Union is supported by the EU’s actions at international level including via the UN as well as through strategic relationships with the U.S and Western Balkans. In addition, the EU has concluded negotiations on the EU-Canada PNR Agreement with a view to

finalising the Agreement as soon as possible, and will soon begin joint evaluations of its existing PNR Agreements with Australia and the United States.

## Background

Security has been a political priority since the beginning of the Juncker Commission's mandate – from President Juncker's [Political Guidelines](#) of July 2014 to the latest [State of the Union](#) Address on 12 September 2018.

The [European Agenda on Security](#) guides the Commission's work in this area, setting out the main actions to ensure an effective EU response to terrorism and security threats, including countering radicalisation, boosting cybersecurity, cutting terrorist financing as well as improving information exchange. Since the adoption of the Agenda, significant progress has been made in its implementation, paving the way towards an effective and genuine [Security Union](#). This progress is reflected in the Commission's reports published on a regular basis.

On [20 June](#), EU leaders adopted an agenda for the EU for the next five years, 'A new strategic agenda 2019-2024', in which the objective of 'protecting citizens and freedoms' ranks top of 4 main priorities for the Union.

## For More Information

[Communication](#): 19th Progress Report toward an effective and genuine Security Union

[Factsheet](#): A Europe that protects