



# EU file

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The European Commission is pursuing several legal actions against Member States for failing to comply properly with their obligations under EU law. These decisions covering many sectors aim to ensure proper application of EU law for the benefit of citizens and businesses.

In April the Commission has taken 120 decisions, including 38 reasoned opinions and 6 referrals to the European Union's Court of Justice. The Commission is also closing a certain number of cases where the issues with the Member States concerned have been solved without the Commission needing to pursue the procedure further.

## **Internal Market: Nationality requirement for notaries: Commission takes HUNGARY to Court to ensure non-discrimination**

The European Commission has decided to take Hungary to the EU Court of Justice because the country only allows Hungarian nationals to take up and practice the profession of notary in Hungary, thus excluding nationals from other Member States.

In the Commission's view, this nationality requirement runs contrary to rules on freedom of establishment and cannot be justified under Article 51 TFEU, which concerns activities linked to official authority.

### **The MEA Secretariat:**

*Director General*  
Mr Joseph Farrugia

*Executive in EU & Legal Affairs*  
Dr Charlotte Camilleri

*SME Helpdesk Executive*  
Mr Anton Vella

*Secretary*  
Ms Dorianne Azzopardi Cilia

© EU file is prepared and circulated by:  
**MALTA EMPLOYERS' ASSOCIATION**

35/1, South Street,  
Valletta VLT 1100, Malta  
t: (+356) 21237585, 21222992  
24/7 helpline: (+356) 21222006  
f: (+356) 21230227  
maltaemployers.com

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**Employment: Working Time: Commission requests DENMARK to respect workers' right to take their annual leave in the same year in which it was accrued**

The European Commission has asked Denmark to respect the right of workers to take their minimum paid annual leave in the same year in which it was accrued. Under the Working Time Directive (Directive 2003/88/EC), workers have the right to minimum paid annual leave of 4 weeks. In Denmark, the national rules provide that annual leave has to be taken in the 'holiday year' following 'the qualification year'. For certain workers, such as those newly entering the Danish labour market and those with fixed-term contracts, this means that they cannot take any annual leave in the first year of employment or at all while employed. This is contrary to the fundamental EU social right to minimum paid annual leave. In its case law, the EU Court of Justice has explicitly held that the positive effect of paid annual leave for the safety and health of the worker is only "deployed fully if it is taken in the year prescribed for that purpose, namely the current year". The Danish rules are therefore incompatible with the Working Time Directive.

The Commission received a complaint about this situation, and sent a letter of formal notice to Denmark in September 2014. Denmark replied in November 2014. Following the analysis of the reply, the Commission still considers that the infringement is not resolved. Its request now takes the form of a 'reasoned opinion' under EU infringement procedures. Denmark has two months to notify the Commission of the measures taken to bring national legislation in line with EU law. Otherwise, the Commission may decide to refer this Member State to the EU Court of Justice.

**Internal Market: Commission asks GERMANY to comply with EU rules on recognition of professional qualifications following Croatia's accession to the EU**

The European Commission has today asked Germany to fully implement into national law EU rules adapting certain directives in the field of right of establishment and freedom to provide services following the accession of the Republic of Croatia to the EU. This infringement relates to the recognition of professional qualifications of architects and construction engineers.

The new EU rules amend, among others, the Directive

on the recognition of professional qualifications adding Croatian diplomas to the lists of national professional qualifications to be recognised by a host Member State. Member States had to adopt and publish, by the date of accession of Croatia at the latest (1 July 2013), the appropriate laws, regulations and administrative provisions. However until now, a German region has not amended its legislation for the specific cases of architects and construction engineers and so does not provide for recognition of Croatian qualifications in these fields.

The Commission's request to Germany to fully adapt its law in line with EU rules takes the form of a reasoned opinion under the EU infringement procedure. If there is no satisfactory reply by Germany within two months, the Commission may refer the matter to the EU's Court of Justice.

**Home Affairs: Commission asks BELGIUM, SPAIN and SLOVENIA to implement rules on a Single Permit and a clear set of rights for legal migrant workers**

The European Commission is concerned that Belgium, Spain and Slovenia have not taken sufficient action to implement Directive 2011/98/EU. The Directive

introduces a single application procedure for single permits for non-EU nationals to reside and work in the territory of an EU Member State, and a common set of rights for non-EU workers legally residing in a Member State. The so-called "Single Permit Directive" had to be implemented by 25 December 2013.

Despite letters of formal notice (the first step of an infringement procedure) sent in January 2014 to Spain and Slovenia and in March 2014 to Belgium, the three countries have not yet notified the Commission of full transposition of this Directive in their respective legal orders. As a result, the Commission decided today to address reasoned opinions to

Belgium, Spain and Slovenia. The three countries have two months to notify the Commission of measures taken to bring national legislation into line with EU law. Otherwise, the Commission may decide to refer them to the EU's Court of Justice.

