

Common non-paper on behalf of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden

General suspension of deadlines regarding infringement procedures

On 11th March 2020, the novel coronavirus (COVID-19) outbreak was declared a pandemic by the World Health Organization. On 13th March 2020, the Commission presented several proposals containing measures to tackle this severe public health emergency for our citizens, and its societal and economic impact on the EU. Alleviating the human effects of the crisis is paramount, but repercussions are being felt across many areas. This health emergency constitutes a *force majeure* situation that has caused an unprecedented work disruption, requiring priority to be given to a limited number of essential activities at all administrative levels in Member States and national parliaments, and in the EU Institutions.

Even in this state of emergency in the Union, Member States have both the obligation to implement EU legislation, respect deadlines and the right to have sufficient time to provide observations in administrative procedures regarding EU law compliance provided for in articles 258 and 260 TFEU, as well as in other dialogues such as EU pilot.

Infringement procedures, and any other dialogue between the Commission and Member States, are essential to the implementation of EU law by Member States. They require intensive coordination within the national administration of each Member State as well as by the Commission. Nevertheless, these coordination efforts have become extremely difficult if not impossible in light of the evolving situation of the current COVID-19 pandemic. Moreover, because of the existing and potential local or nationwide lockdowns, the available human resources are fully employed in the fight against the health and economic consequences of the virus.

Therefore, the signing Member States kindly ask the Commission to adjust its calendar of infringement decisions as well as to suspend the deadlines relating to the pending infringement procedures under articles 258 and 260 TFEU (also with reference to the payment of pecuniary penalties) unless the Commission decides otherwise in exceptional cases of urgency, such as, for example, cases linked to the COVID-19 crisis, and until such time as the Commission considers the current emergency no longer justifies the suspension. The same suspension is also required for the deadlines to respond to EU Pilot cases and to administrative letters addressed to national administrations in relation to a suspected infringement of EU law. In addition, the signing Member States kindly request a suspension of the two months' deadline to provide explanatory documents for each notification of complete directive transposition that has been transmitted after the date of judgement C-543/17 as set out in the Commissions' letter of information dated 17th February 2020. Furthermore, the signing Member States invite the Commission to refrain from pursuing infringement proceedings in cases where implementation of EU law may take longer than normally prescribed for as a result of national organisational and parliamentary restraints due to the COVID-19 crisis.