

Commission Launches/Continues Infringements Proceedings in Several JHA Matters



News

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In February 2021, the [Commission](#) launched several infringement proceedings against EU Member States for having incorrectly transposed various EU instruments in the area of Justice and Home Affairs (JHA). In the following proceedings, the Commission took the first step by sending a letter of formal notice requesting further information to the countries:

- Belgium, Bulgaria, Finland, Poland, and Sweden for not having fully or accurately transposed EU rules on combating racism and xenophobia by means of criminal law ([Framework Decision 2008/913/JHA](#));
- Cyprus, Germany and Sweden for the incomplete and/or incorrect transposition of the [Framework Decision on the European arrest warrant \(2002/584/JHA\)](#). Here, the Commission thinks that the countries treat their own nationals more favourably in comparison to EU citizens from other Member States or provide additional grounds for refusal of warrants that are not provided for in the Framework Decision. In 2020, the Commission already initiated infringement proceedings against Austria, the Czech Republic, Estonia, Ireland, Italy, Lithuania and Poland for the incorrect transposition of the FD EAW;
- Estonia, Finland and Poland for failing to fully transpose the EU rules on strengthening the presumption of innocence and the right to be present at the trial in criminal proceedings ([Directive \(EU\) 2016/343](#)), in particular as regards the EU rules on public references to guilt.

In addition, the Commission sent a reasoned opinion (second step of the infringement procedure) to Malta for not having implemented several provisions of the victims' rights Directive ([Directive 2012/29/EU](#)). Regarding the failure of correct transposition of the Directive, further infringement proceedings are ongoing against Belgium, Bulgaria, Latvia, Lithuania, Luxembourg, Poland and Romania.

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