

Current Infringement Proceedings in Justice and Home Affairs: October – December 2025

News

Thomas Wahl

In its regular package of infringement decisions, the European Commission takes legal action against Member States that fail to comply with their obligations under EU law. The following overview reports on selected infringement proceedings in the area of justice and home affairs that were opened or continued in [October](#), [November](#) and [December](#) 2025.

- 8 October 2025: The Commission issues reasoned opinions to Belgium, Germany, Estonia, Spain and Poland for failure to fully transpose [Directive 2023/977](#) on information exchange between law enforcement authorities (→[eucri](#)m 1/2023, 36-39). According to the Commission, the countries have failed to fully transpose the Directive. The sending of a reasoned opinion is the second stage in the three-stage infringement process. If the Member States fail to remedy the infringement within two months, the Commission may bring the matter before the European Court of Justice with a request to impose financial sanctions.
- 8 October 2025: The Commission decided to send a reasoned opinion to Bulgaria, Ireland, and Spain for failure to correctly transpose into national law the [Directive 2011/93/EU](#) on combating the sexual abuse and sexual exploitation of children and child pornography. In December 2025, a reasoned opinion followed for Croatia and Malta.
- 21 November 2025: The Commission calls on Estonia, Hungary and Poland to comply with the Directive on attacks against information systems (Directive 2013/40/EU →[eucri](#)m 2/2013, 82). The Directive introduces new rules harmonising criminalisation and penalties for a number of offences directed against information systems. It also calls for greater international cooperation between judicial and law enforcement authorities, such as the establishment of an operational national point of contact and the use of the existing network of 24/7 contact points. The Commission criticises that Estonia, Hungary and Poland have incorrectly transposed some measures of the Directive, in particular the provisions regarding illegal interception or tools used for committing certain offences established by the Directive.
- 21 November 2025: By sending a letter of formal notice, the Commission opens infringement proceedings against Bulgaria and Hungary for failing to correctly transpose [Directive \(EU\) 2016/1919](#) on legal aid in criminal proceedings. The Directive aims to create common minimum standards to ensure that the rights of suspects and accused persons are sufficiently protected across the EU both in domestic criminal proceedings and European Arrest Warrant proceedings (→[article by S. Cras, eucri](#)m 1/2017, 34-45). According to the Commission, not all persons covered by the Directive have

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

Published in
2025, Vol. 20(3) [eucri](#)m

ISSN: 1862-6947



access to legal aid in Bulgaria and Hungary. With regard to Hungary, the Commission also found other deficiencies, such as the failure to grant legal aid without undue delay.

- 21 November 2025: Sweden receives a reasoned opinion from the Commission for failure to correctly transpose [Directive \(EU\) 2017/1371](#) on the fight against fraud to the Union's financial interests by means of criminal law (PIF Directive, →[article by A. Juszczyk and E. Sason, eucrim 2/2017, 80-87](#)). The PIF Directive aims to facilitate enforcement of the Member States' responsibilities towards revenue and expenditure of the EU's budget by harmonising fraud-related criminal offences and sanctions. The Commission finds that Sweden still fails to comply with some aspects of VAT-related statements.
 - 11 December 2025: The Commission acts against Poland for the country's non-compliance with the procedural rights directives. First, the Commission opens an infringement proceeding for Poland's failure to correctly transpose the legal aid Directive (see above). In particular, legal aid is not ensured in early stages of police investigations. This also leads to problems in the second infringement procedure regarding Poland's failure to comply with [Directive 2013/48/EU](#) on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings (→[article by S. Cras, eucrim 1/2014, 32-44](#)). In this case, the Commission also identified non-compliance with the Directive's strict rules on the confidentiality of communications between the suspects/accused person with their lawyer, and information rights of holders of parental responsibility in case of the deprivation of liberty of their children. Lastly, the Commission considers that Poland has not correctly transposed the right of access to a lawyer in European arrest warrant proceedings. Against this background, the [Commission decides](#) to refer Poland to the European Court of Justice for failure to correctly transpose Directive 2013/48.
-

About eucrim

eucrim is the leading journal which regularly informs about current developments in European criminal and "criministrative" law.

All news items are freely accessible at: <https://eucrim.eu/news/>

Stay informed by emailing to eucrim-subscribe@csl.mpg.de to receive alerts for new releases of issues.

The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



Co-funded by
the European Union