

The highest court of the EU fined Ireland, Latvia, Poland, Portugal and Slovenia €12.4m in total for not meeting the deadline to transpose the EECC by 21 December 2020. In particular, the court rejected the following defence arguments put forward by each of these member states:

- **Ireland¹**

To justify its failure to meet the deadline, Ireland relied on the need to take account of the novel constitutional requirements for bodies charged with the administration of justice resulting from the judgment in the EU case *Zalewski*, which made the legislative process very complex. Ireland also argued that its failure to meet the deadline was due to the exceptional circumstances linked to the COVID-19 pandemic. These circumstances were unforeseeable and beyond anyone’s control, which ultimately delayed the legislative process necessary to transpose the EECC.

- **Latvia²**

To justify its failure to meet the deadline, Latvia argued that in the light of the complexity of the EECC, the transposition period was too short. In addition, Latvia sought to rely on *force majeure* for the COVID-19 pandemic and the conflict in Ukraine.

- **Poland³**

Poland denied that it failed to fulfil the obligation of transposing the EECC. It argued that it completed its transposition of the EECC by adopting a new legal act regulating the electronic communications market, although adoption of other implementing measures was pending. Lastly, the legislative work was delayed because of the COVID-19 pandemic. The pandemic made it difficult to organise consultation meetings and led to absences of key individuals. Also, the pandemic required the government to focus on other important issues, such as public health, state security, and public safety and order.



- **Portugal⁴**

Portugal argued that it had complied with the transposition of the EECC by adopting a new legal act, and that any alleged delays in the adoption did not impact the functioning of the internal market for electronic communication. Its national law was already largely compliant with the essential features of the EECC, which Portugal claimed “merely recasts the rules of an already regulated market”.

- **Slovenia⁵**

Slovenia argued that delays were due to unforeseen and justifiable circumstances, such as the COVID-19 pandemic.

Poland has still not completed the transposition. The EECC is also applicable in the EEA, and Norway has also not completed transposition yet. You can check the latest status of the EECC transposition through our [tracker](#).

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1 Judgement of 14 March 2024, Commission vs Ireland, C-439/22.

2 Judgement of 14 March 2024, Commission vs Latvia, C-454/22.

3 Judgement of 14 March 2024, Commission vs Poland, C-452/22.

4 Judgement of 14 March 2024, Commission vs Portugal, C-449/22.

5 Judgement of 14 March 2024, Commission vs Portugal, C-457/22.