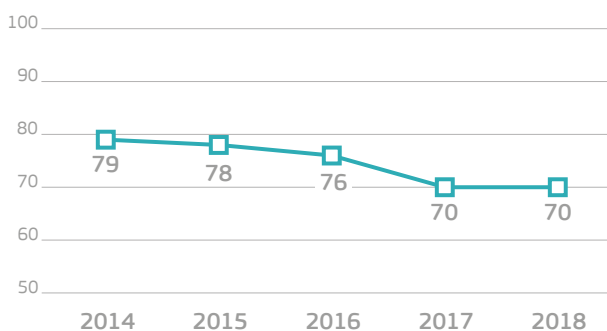


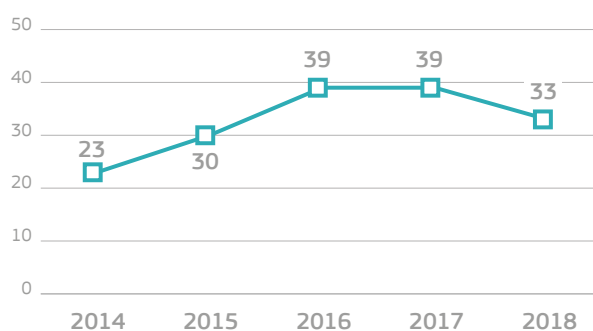
Monitoring the Application of European Union Law

Annual Report 2018

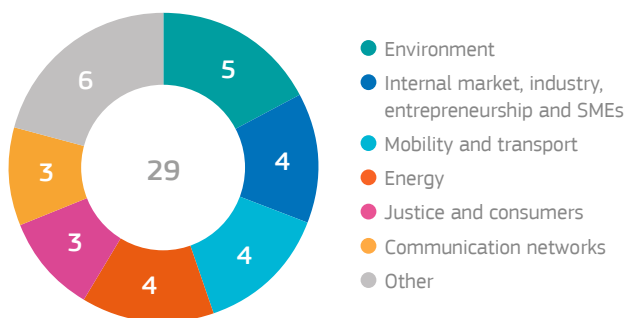
Infringement cases open as of 31 December 2018



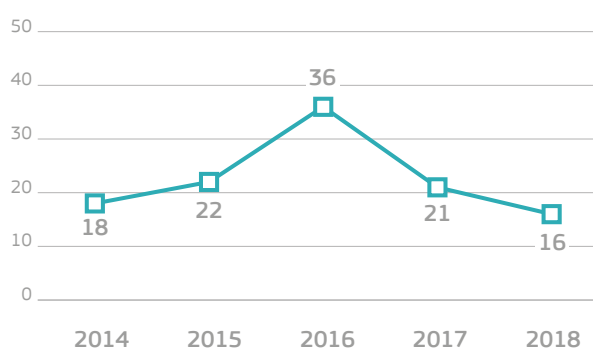
Late transposition¹ infringement cases open as of 31 December 2018



New infringement cases opened in 2018: main policy areas



New late transposition infringement cases opened in 2018



1. Number of infringement cases due to failure to implement an EU Directive into national law on time.



Relevant rulings of the European Courts:

The Court ruled, amongst others, that:

- *Poland has failed to fulfil its obligations under the Habitats and Birds Directives regarding management of the Białowieża Forest. The operations at issue resulted in the loss of a part of the respective Natura 2000 site and therefore could not constitute conservation measures².*
- *Poland failed to ensure that the investigating body is independent of railway undertakings and rail infrastructure managers controlled by the minister of transport³.*
- *Poland has been persistently exceeding the EU air quality limit values for particulate matter (PM₁₀⁴) in several zones and agglomerations throughout the whole country. Furthermore, Poland has failed to incorporate in its air quality programmes appropriate measures to ensure that the exceedance period is kept as short as possible⁵.*
- *Poland has incorrectly transposed into national legislation the requirements of the Environmental Impact Assessment Directive on exploratory drilling. The national legislation found to be non-compliant excludes exploratory works for shale gas carried out at a depth of up to 5 000 m, with the exception of drilling to a depth of at least 1 000 m for projects in 'sensitive' areas, such as nature protection zones or water protection zones⁶.*

2. Commission v Poland, [C-441/17](#) and Court press release [No 48/18](#).

3. Directive [2004/49/EC](#) *nc* [2004/49/EC](#), Commission v Republic of Poland, [C-530/16](#).

4. PM₁₀ is an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometres. The particles' small size allows them to penetrate deep into the lungs where they may be deposited and cause adverse health effects. (Source: European Environment Agency).

5. Commission v Poland, [C-336/16](#) and Court press release [No 19/18](#).

6. Commission v Poland, [C-526/16](#).