



European Commission

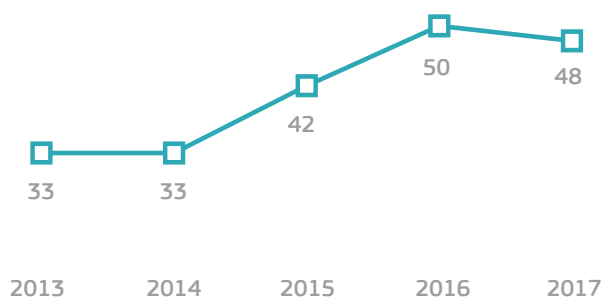
Monitoring the Application of European Union Law

Annual Report 2017

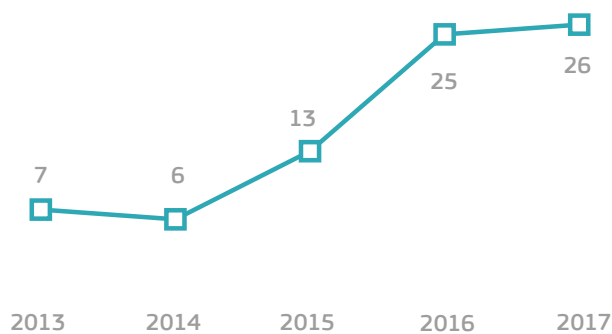
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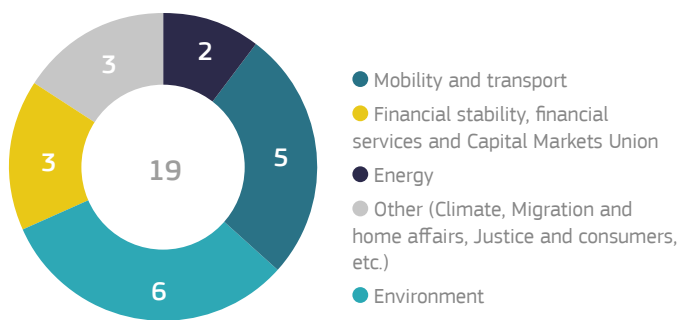
Infringement cases open as of 31 December 2017



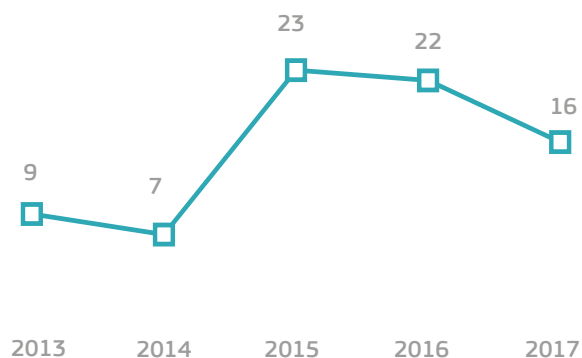
Late transposition¹ infringement cases



New infringement cases opened in 2017: main policy areas



New late transposition² infringement cases



¹ Number of infringement cases pending against this Member State on 31.12.2017 due to failure to implement an EU directive into national law on time.

² Number of new infringement cases opened against this Member State in 2017 due to failure to implement an EU directive into national law on time.



Relevant rulings of the European Courts:

1. *The Court of Justice of the EU ruled that the appeal brought by Sweden against a judgment of the General Court interpreting EU provisions on access to documents was unfounded. The Court clarified that the documents exchanged between the Commission and the Member State concerned in the framework of the EU Pilot dialogue are covered by a general presumption of confidentiality.*

2. *In preliminary rulings, the Court ruled, amongst others, that:*

- *National legislation that prescribes a general and indiscriminate obligation on providers of electronic communications services to retain data is contrary to EU law. Such interference with the right to private life could only be justified by the objective of fighting serious crime³.*
- *Article 34 of the TFEU precludes a national measure which, on the one hand, allows economic operators to implement a mass balance system in respect of sustainable biogas if the biogas is transported within the Member State's national gas network, while, on the other hand, preventing the implementation of such a mass balance system if the biogas is transported cross-border in interconnected national gas networks⁴.*

³ Tele2 Sverige and Watson and Others, [C-203/15](#) and [C-698/15](#).

⁴ E.ON Biofor Sverige AB, [C-549/15](#).