

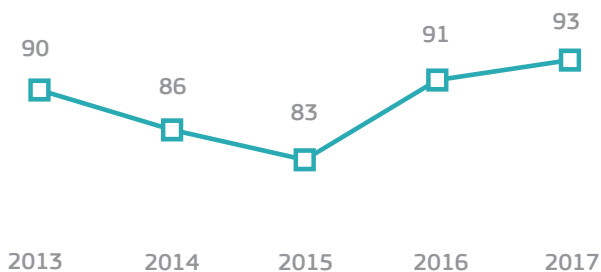


European Commission

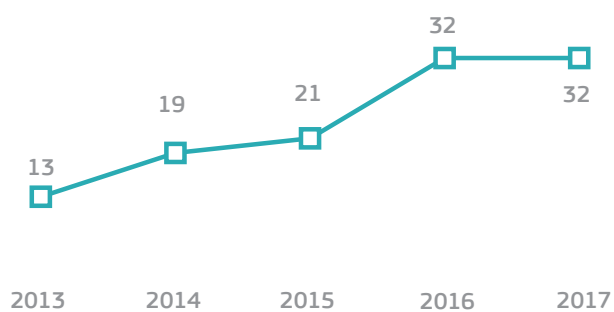
# Monitoring the Application of European Union Law

## Annual Report 2017

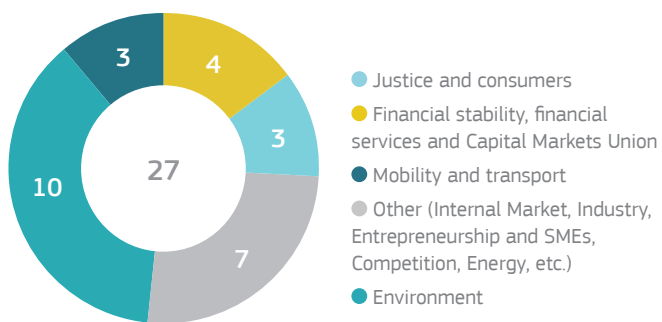
### Infringement cases open as of 31 December 2017



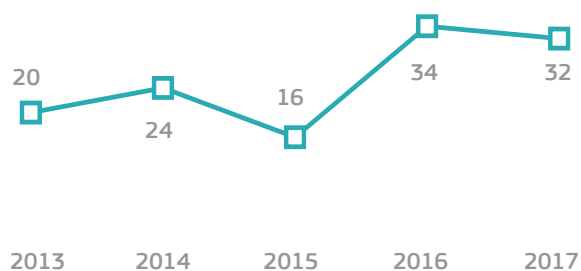
### Late transposition<sup>1</sup> infringement cases



### New infringement cases opened in 2017: main policy areas



### New late transposition<sup>2</sup> infringement cases



<sup>1</sup> 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.

<sup>2</sup> 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:

- Spain has failed to comply with a 2014 Court judgment on freedom of establishment at Spanish ports<sup>3</sup>. The Court ordered Spain to pay a lump sum of EUR 3 million<sup>4</sup>.
- Spain has failed to comply with its obligations under the Waste Framework Directive regarding the operation of 61 illegal waste landfill sites<sup>5</sup>.

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

- An intermediation service whose purpose is to connect, by means of a smartphone application and for remuneration, non-professional drivers using their own vehicle with persons who wish to make urban journeys must be considered as a 'service in the field of transport'. The service in question is consequently covered by the common transport policy<sup>6</sup>.
- The Renewable Energy Directive does not prevent a Member State from introducing a regional levy on windmills<sup>7</sup>.
- National legislation which gives consumers a time limit of one month to object, on the basis of alleged unfairness of contractual terms, to the enforcement of mortgage proceedings instituted before the entry into force of that legislation is not compatible with the Directive on unfair terms in consumer contracts. The res judicata principle does not prevent an appeal court from assessing the potential unfairness of some terms in consumer contracts which have not already been examined by the first instance court<sup>8</sup>.
- The fact that a person is imprisoned, without the prospect of being released in the near future, when an expulsion decision is adopted does not exclude that his conduct represents a genuine threat to a fundamental interest of the society of the host Member State. Therefore, expulsion while the person is already in prison may be considered justified<sup>9</sup>.
- A decision to expel a third-country national who is a long-term resident may not be adopted for the sole reason that he or she has been sentenced to a jail term of more than 1 year<sup>10</sup>. Before taking such decision, Member States must consider the duration of residence, the age of the person, the consequences for the person and family members and links with the country of residence.

<sup>3</sup> Commission v Spain, [C-576/13](#).

<sup>4</sup> Commission v Spain, [C-388/16](#).

<sup>5</sup> Directive [2008/98/EC](#), Commission v Spain, [C-563/15](#).

<sup>6</sup> Asociación Profesional Elite Taxi, [C-434/15](#).

<sup>7</sup> Elecdey Carcelen SA and Others, [C-215/16](#).

<sup>8</sup> Directive [93/13/EEC](#), Banco Primus, [C-421/14](#).

<sup>9</sup> Directive [2004/38/EC](#), E, [C-193/16](#).

<sup>10</sup> López Pastuzano, [C-636/16](#) and Court press release [No 134/17](#).