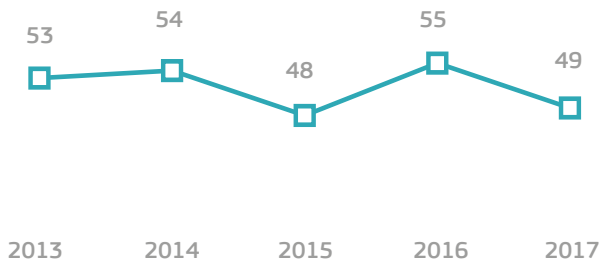


European Commission

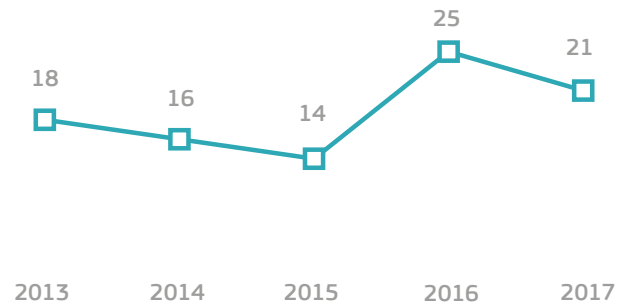
Monitoring the Application of European Union Law

Annual Report 2017

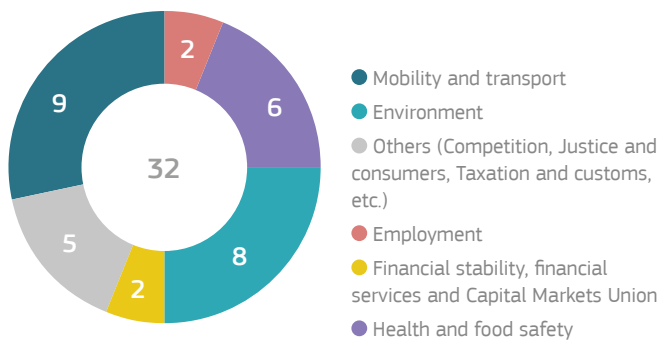
Infringement cases open as of 31 December 2017



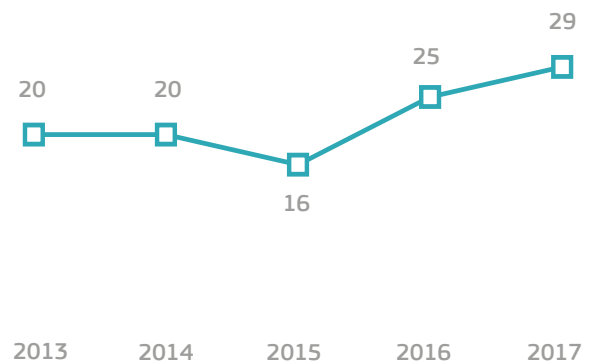
Late transposition¹ infringement cases



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 United Kingdom has failed to ensure adequate treatment of urban waste water in several agglomerations, some discharging into sensitive areas³.*
- 2. In preliminary rulings, the Court ruled, amongst others, that:*
 - Once an EU citizen acquires the citizenship of another EU Member State, the Free Movement Directive ceases to apply to him/her⁴. Consequently, as a general rule his/her spouse cannot benefit from a derived right of residence in that EU Member State on the basis of the Directive unless this would be necessary to ensure the effective exercise, by the EU citizen concerned, of his/her freedom of movement and of the rights which the Treaties affords him/her⁵.*
 - The national legislation goes beyond what is considered necessary to achieve the objectives of preserving the allocation of powers of taxation between the Member States⁶.*
 - The Treaty on the Functioning of the EU cannot be invoked between the United Kingdom and Gibraltar regarding the UK tax regime on the provision of gambling services⁷.*
 - Under the Working Time Directive⁸, a worker must be able to carry over and accumulate unexercised rights to paid annual leave when an employer does not put that worker in a position in which he is able to exercise his right to paid annual leave. The Directive precludes the requirement that the worker must take leave before establishing whether he has the right to be paid in respect of that leave⁹.*

³ Directive [91/271/EEC](#) and Commission v United Kingdom, [C-502/15](#).

⁴ Directive [2004/38/EC](#).

⁵ Lounes, [C-165/16](#) and Court press release [No 121/17](#).

⁶ Trustees of the P Panayi Accumulation & Maintenance Settlements, [C-646/15](#).

⁷ The Gibraltar Betting and Gaming Association Limited and The Queen, [C-591/15](#).

⁸ Directive [2003/88/EC](#).

⁹ King, [C-214/16](#).