

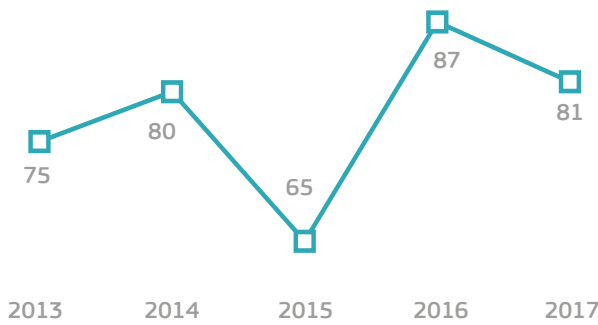


European Commission

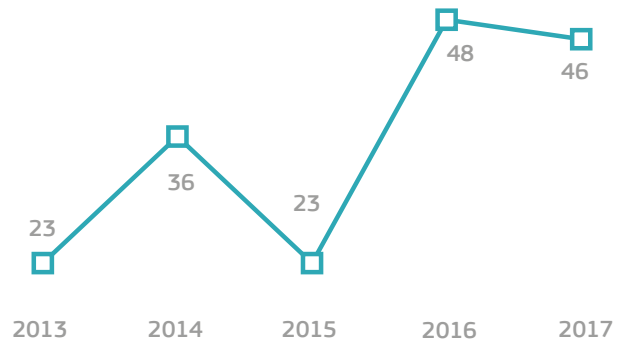
# Monitoring the Application of European Union Law

## Annual Report 2017

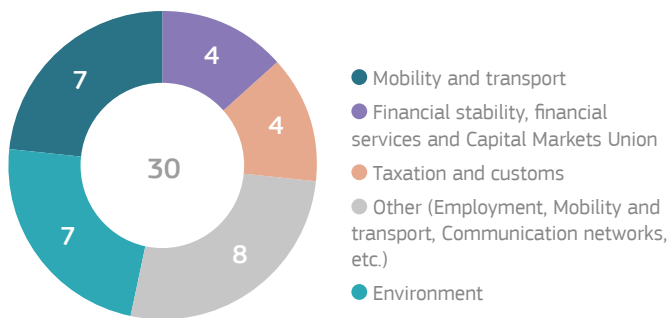
Infringement cases open as of 31 December 2017



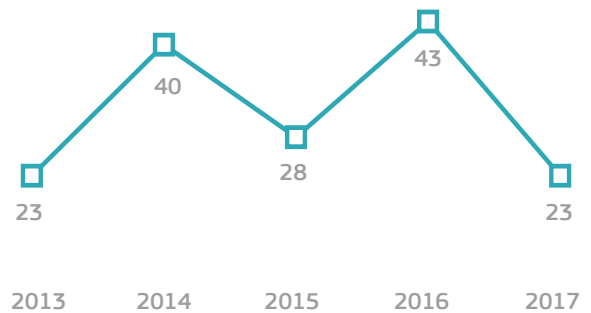
Late transposition<sup>1</sup> infringement cases



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:

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

- The denial of refugee status due to participation in terrorist activities is not confined to the commitment of a terrorist act. An asylum application can be rejected if the asylum-seeker participated in the activities of a terrorist network, for example, by providing logistical support to the terrorist group, even without personally committing or instigating terrorist acts<sup>3</sup>.*
- A general and absolute prohibition of any advertising relating to the provision of oral and dental care services and the establishment of certain requirements of discretion regarding signs of dental practices violates the freedom to provide services<sup>4</sup>.*
- Member States are not required, under EU law, to grant a humanitarian visa to persons who wish to enter their territory with a view to applying for asylum. They remain free to do so, on the basis of their national law. EU law establishes only the procedures and conditions for issuing visas for transit through or intended stays on the territory of the Member States not exceeding 90 days<sup>5</sup>.*
- Belgian rules are contrary to the free movement of workers in requiring resident workers to register their own car in Belgium, if the car is already registered in another Member State and is intended to be used primarily in that other State<sup>6</sup>.*
- When determining the competent jurisdiction in relation to employment contracts of members of an airline crew, the Court used a set of indicators to determine the “Member State where the employee habitually carries out his work” and retained that the “home base” amounts to a significant indicator. The Court also underlined that the jurisdiction clauses obliging those aircrew members to bring actions in Ireland were not enforceable against the employees as not meeting the conditions of the Regulation in question<sup>7</sup>.*

<sup>3</sup> Mostafa Lounani, [C-573/14](#).

<sup>4</sup> Luc Vanderborght, [C-339/15](#).

<sup>5</sup> X and X, [C-638/16](#) and Court press release [No 24/17](#).

<sup>6</sup> Criminal proceedings against Mr U, [C-420/15](#).

<sup>7</sup> Moreno Osacar, [C-169/16](#), Nogueira and Others, [C-168/16](#).