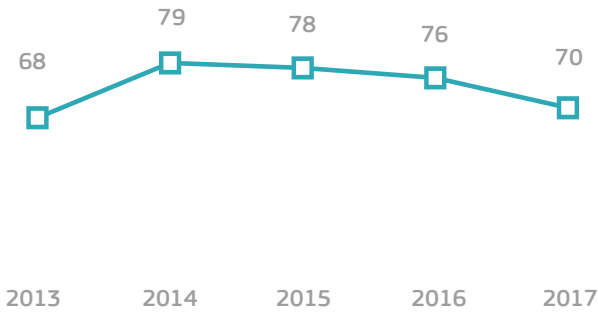




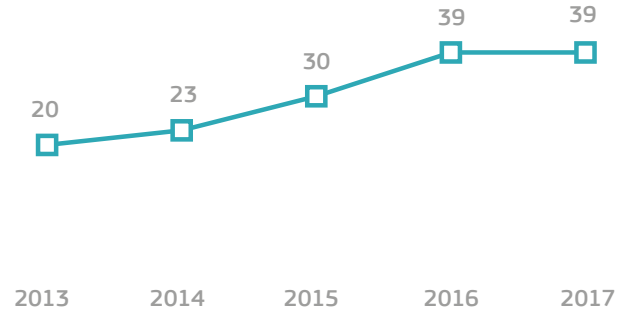
# Monitoring the Application of European Union Law

## Annual Report 2017

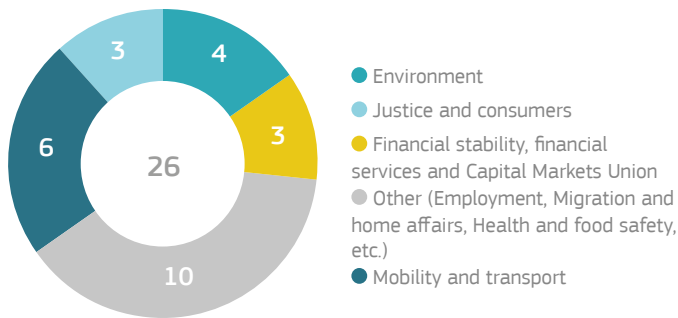
Infringement cases open as of 31 December 2017



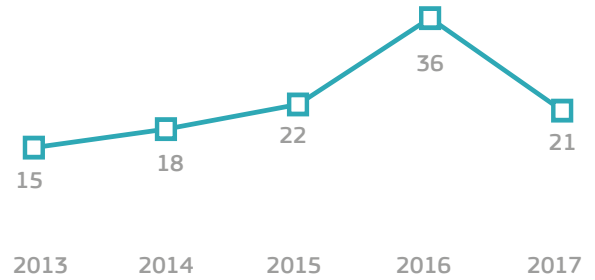
Late transposition<sup>1</sup> infringement cases



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 upheld the Commission's request for interim measures to stop logging operations in the Białowieża Forest. The Court ordered Poland to cease operations immediately, except where strictly necessary to ensure public safety. Poland could face financial penalties of at least EUR 100 000 per day if it did not respect the Court order<sup>3</sup>.*

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

- *Member States may not impose mandatory liquidation on companies that wish to transfer their registered office to another Member State. The transfer of the registered office of such a company, when there is no change in the location of its real head office, falls within the scope of the freedom of establishment protected by EU law<sup>4</sup>.*
- *The Regulation establishing a Community Code on Visas<sup>5</sup> requires Member States to provide for an appeal procedure against decisions refusing visas. The procedural rules are a matter for the legal order of each Member State in accordance with the principles of equivalence and effectiveness. The proceedings must guarantee a judicial appeal<sup>6</sup>.*
- *Under the Collective Redundancies Directive<sup>7</sup>, an employer is required to consult workers' representatives when he intends, to the detriment of employees, to amend unilaterally the terms of remuneration, which, if refused by employees, will entail termination of their employment relationship<sup>8</sup>.*
- *On the basis of the Visa Code<sup>9</sup> and the Charter of Fundamental Rights, visa applicants have the right to a non-arbitrary treatment of their visa application and that this right is to be protected by a judicial appeal procedure<sup>10</sup>.*

<sup>3</sup> Commission v Poland (Forêt de Białowieża), [press release of the Commission](#), C-441/17 R and Court press release [No 122/17](#).

<sup>4</sup> Polbud — Wykonawstwo, [C-106/16](#) and Court press release [No 112/17](#).

<sup>5</sup> Regulation (EC) [No 810/2009](#).

<sup>6</sup> Soufiane el Hassani, [C-403/16](#).

<sup>7</sup> Directive [98/59/EC](#).

<sup>8</sup> Socha, [C-149/16](#) and Ciupa, [C-429/16](#).

<sup>9</sup> Regulation (EC) [No 810/2009](#).

<sup>10</sup> Soufiane el Hassani, [C-403/16](#).