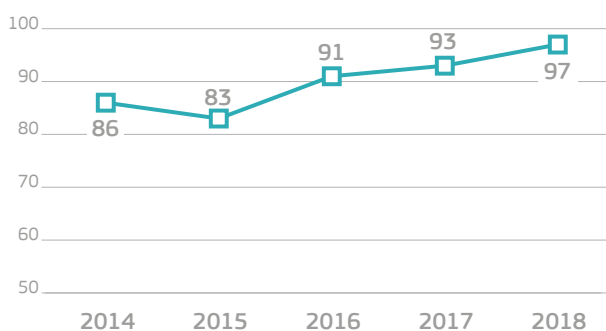




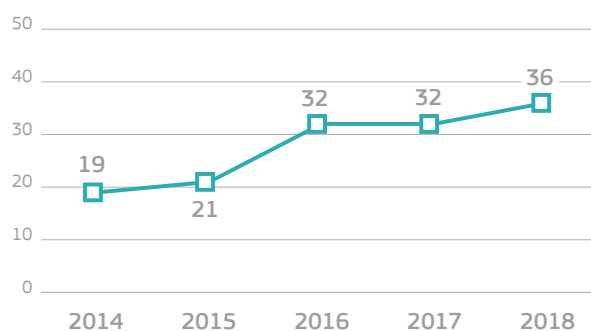
# Monitoring the Application of European Union Law

## Annual Report 2018

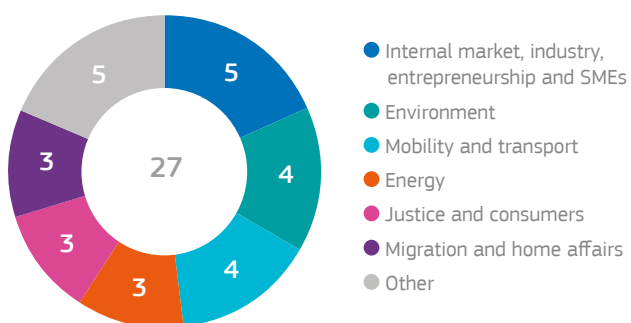
Infringement cases open as of 31 December 2018



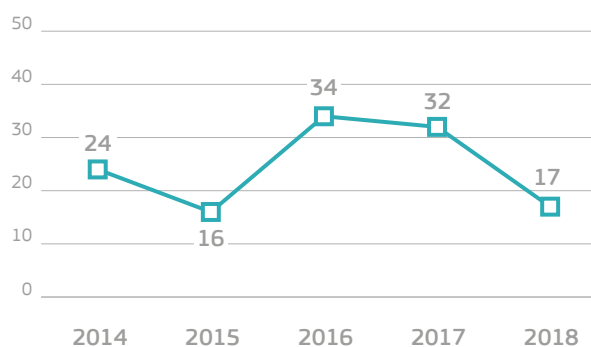
Late transposition<sup>1</sup> infringement cases open as of 31 December 2018



New infringement cases opened in 2018: main policy areas



New late transposition infringement cases opened in 2018



1. Number of infringement cases due to failure to implement an EU Directive into national law on time.



## Relevant rulings of the European Courts:

*The Court ruled, amongst others, that Spain:*

- *Has not fulfilled its obligations as it failed to take the necessary measures to implement the ‘Whistleblowing’ Directive<sup>2</sup> into national legislation on time<sup>3</sup>.*
- *Discriminated against small hauliers, excluding them from the road transport market, by requiring hauliers to own a minimum number of vehicles in order to obtain a public transport authorisation<sup>4</sup>.*
- *Has failed to comply with an earlier Court judgment<sup>5</sup> as 17 of the 43 agglomerations of over 15 000 population equivalent concerned by the first judgment had still not been equipped with systems for collecting or treating urban waste water. The Court ordered Spain to pay a lump sum of €12 million and a penalty payment of €10 950 000 per six-month period of delay until full compliance is achieved<sup>6</sup>.*

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

- *Access, by the police, to data for the purpose of identifying the owners of SIM cards activated with a stolen mobile telephone cannot be defined as ‘serious’ interference with the fundamental rights. Such data do not allow precise conclusions to be drawn about their private lives and such interference may be justified by the objective of preventing, investigating, detecting and prosecuting ‘criminal offences’<sup>7</sup>.*
- *National legislation may allow an employer to dismiss a pregnant worker in the context of a collective redundancy, on condition that the employer provides the dismissed pregnant worker with the reasons justifying the redundancy<sup>8</sup>.*
- *A fine for not declaring cash upon entering or leaving the EU which may be up to double the undeclared amount is contrary to EU law, including the Cash Control Regulation<sup>9</sup>.*

2. Commission Implementing Directive 2015/2392/EU on Regulation (EU) N°596/2014.

3. Commission v Spain, C-599/17.

4. Regulation (EC) No 1071/2009, Commission v Kingdom of Spain, C-181/17.

5. Commission v Spain, C-343/10.

6. Commission v Spain, C-205/17 and Court press release No 120/18.

7. Ministerio Fiscal C-207/16.

8. Porras Guisado, C-103/16.

9. Lu Zheng, C-190/17.