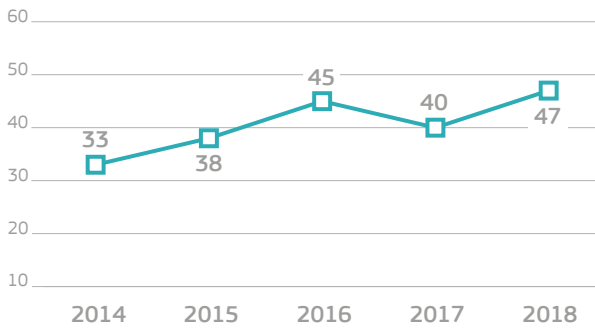


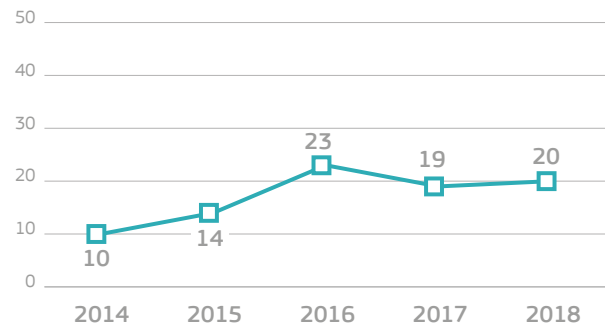
Monitoring the Application of European Union Law

Annual Report 2018

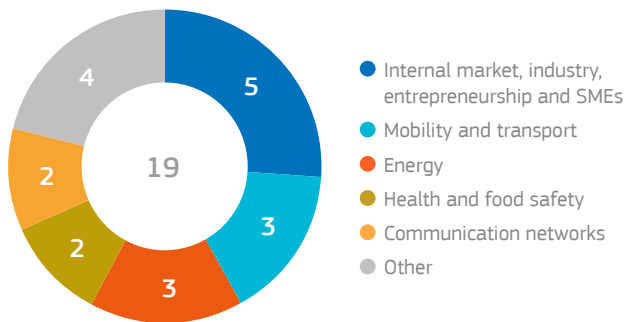
Infringement cases open as of 31 December 2018



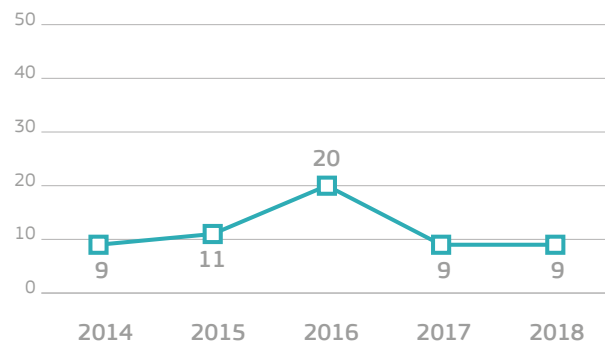
Late transposition¹ infringement cases open as of 31 December 2018



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:

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

- The taste of a food product can be protected by copyright if it can be classified as a ‘work’ within the meaning of the Directive on rights in the information society. Classification as a ‘work’ requires that the subject matter concerned is an original intellectual creation. Secondly, there must be an ‘expression’ of that original intellectual creation².*
- A decision rejecting refugee status on the grounds that there are serious reasons to believe that the applicant committed a war crime or a crime against humanity may fall within the scope of the concept of public policy or public security. However, a case-by-case assessment is necessary before a measure based on grounds of public policy or public security is adopted³.*
- The Member State in which a new application for international protection has been lodged is responsible for examining that application, when no take-back request has been made within the periods laid down in the Dublin Regulation⁴.*
- An application for an autonomous residence permit, lodged by a third country national who has resided for over 5 years in a Member State by virtue of family reunification, may be rejected on the grounds that he has not shown that he has passed a civic integration test on the language and society⁵.*
- An application for family reunification lodged on behalf of a member of a refugee’s family may be rejected on the grounds that that application was lodged more than 3 months after the sponsor was granted refugee status, whilst affording the possibility of lodging a fresh application under a different set of rules provided that certain conditions are met⁶.*

2. Directive 2001/29/EC, *Levola Hengelo*, C-310/17.

3. Joint cases: C-331/16 - K; C-366/16 - H.

4. X, C-213/17, Regulation No 604/2013.

5. C and A, C-257/17.

6. K and B, C-380/17.