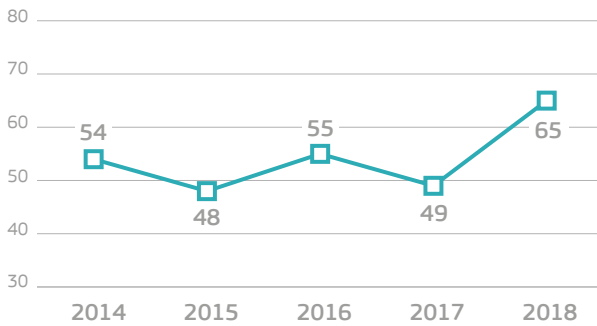


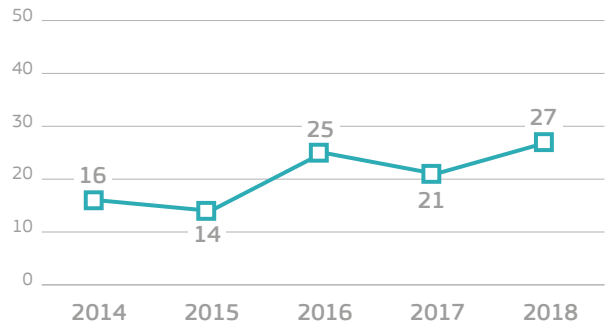
Monitoring the Application of European Union Law

Annual Report 2018

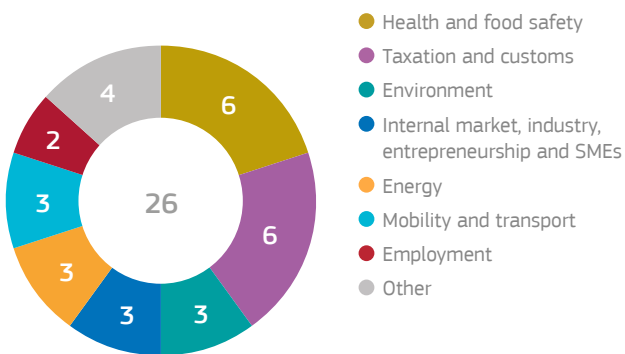
Infringement cases open as of 31 December 2018



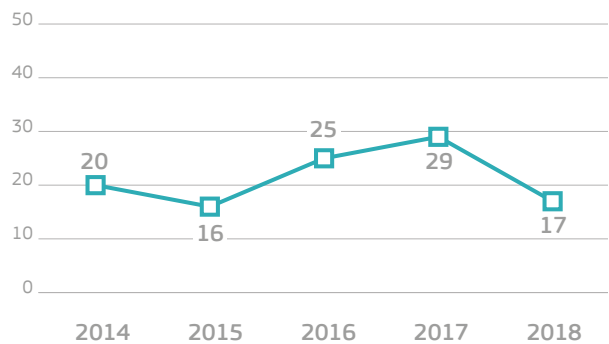
Late transposition¹ infringement cases open as of 31 December 2018



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:

The Court ruled, amongst others, that the United Kingdom has not proposed a sufficient number of Sites of Community Importance under the Habitats Directive for the species harbour porpoise. It has thereby failed to contribute to the creation of the Natura 2000 network in proportion to the representation of the habitats of that species within its territory².

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

- A prohibition on placing on the market tobacco products for oral use is intended not to restrict the right to health but, on the contrary, to give expression to that right and, consequently, to ensure a high level of protection of health for all consumers³.*
- A risk of deterioration in the health of a non-EU national is not sufficient to warrant that person being granted subsidiary protection, unless that person would face a real risk of being intentionally deprived of health care if returned to their country of origin⁴.*
- A person who has changed gender cannot be required to annul the marriage which he or she entered into before that change of gender in order to be entitled to receive a retirement pension at the age provided for persons of the sex which he or she has acquired⁵.*

2. Council Directive 92/43/EEC, Commission v United Kingdom, C-669/16.

3. Swedish Match, C-151/17 and press release No. 41/18.

4. MP (subsidiary protection of a person previously a victim of torture), C-353/16.

5. MB (sex change and retirement pension), C-451/16.