



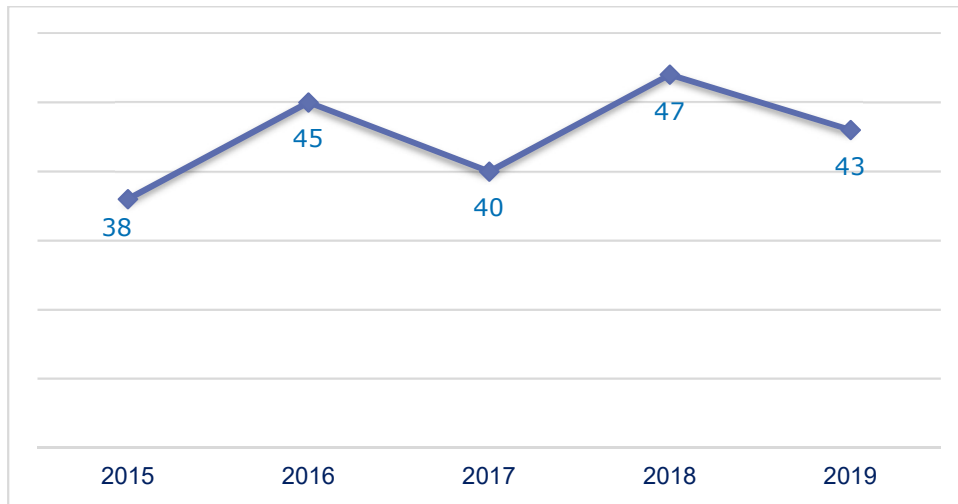
THE NETHERLANDS

Monitoring the Application of EUROPEAN UNION LAW

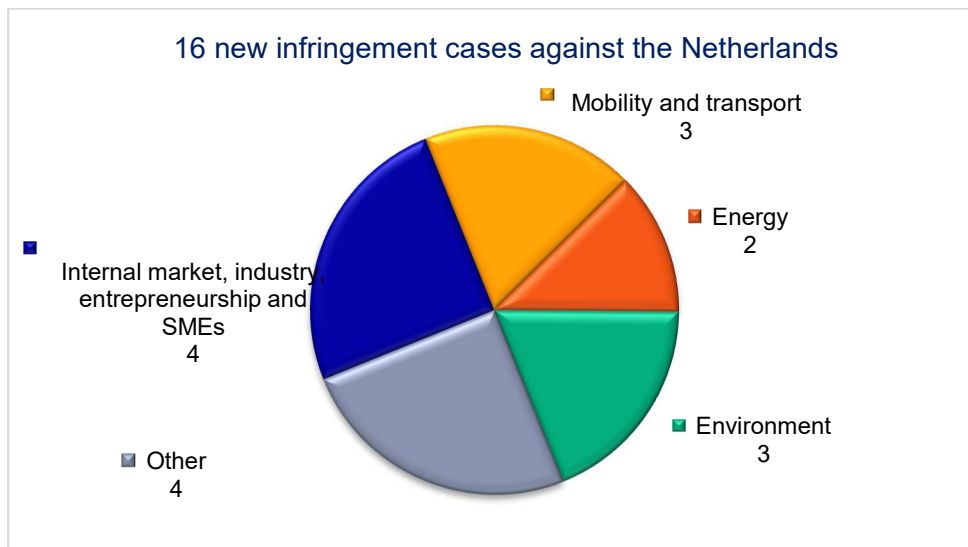
2019 Annual Report

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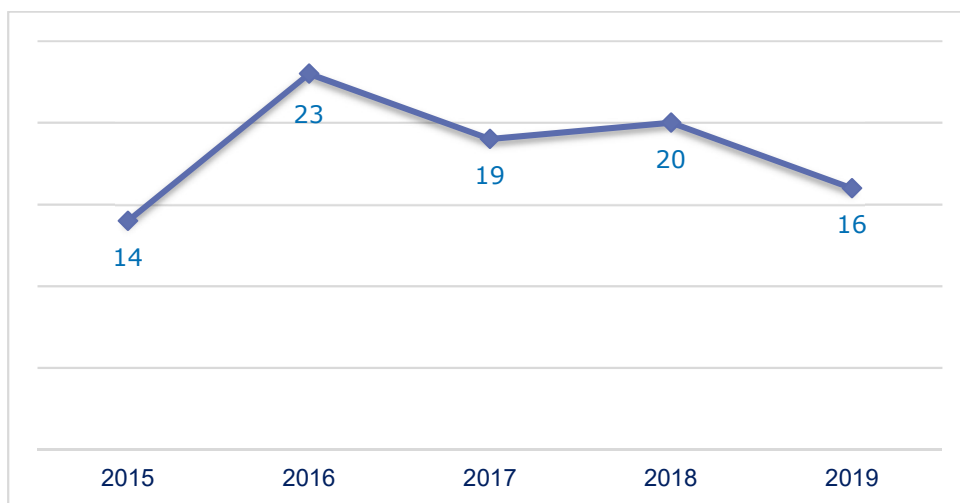
Infringement cases against the Netherlands open on 31 December (2015-2019)



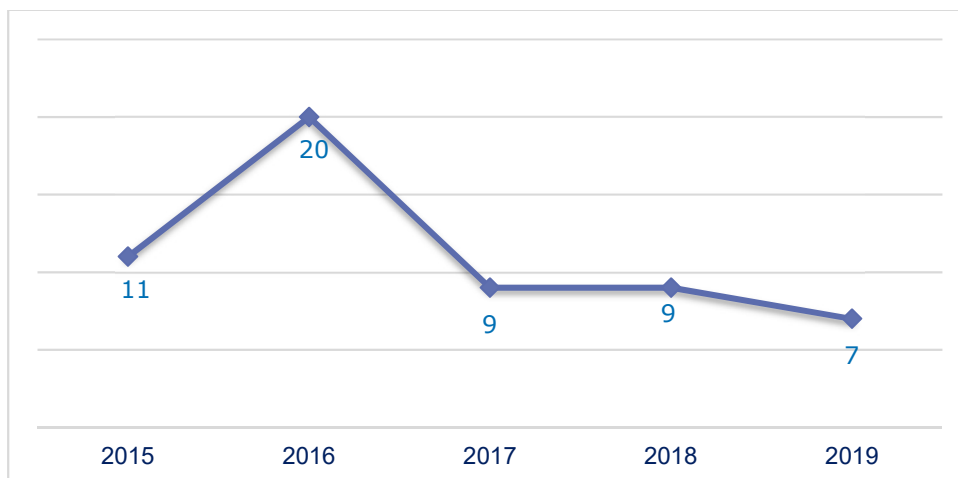
New infringement cases opened in 2019: main policy areas



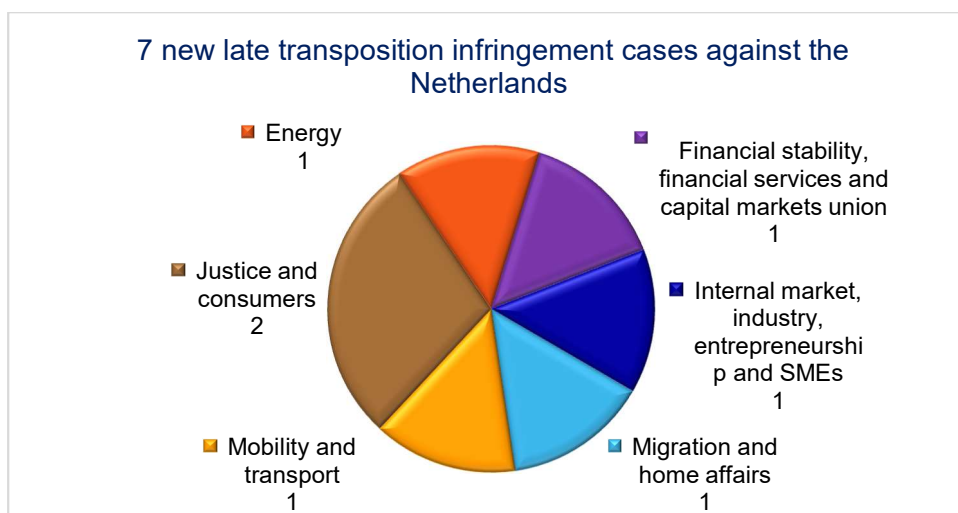
Late transposition infringement cases against the Netherlands open on 31 December (2015-2019)



New late transposition infringement cases against the Netherlands (2015-2019)



New late transposition infringement cases opened in 2019: main policy areas



IMPORTANT JUDGMENTS

Court rulings¹

There were no major Court rulings in 2019.

Preliminary rulings

[The Court addressed the following preliminary rulings to the Dutch judiciary:

- The sale of second-hand e-books through a website constitutes communication to the public that is subject to authorisation by the author².
- Meat after slaughter must be chilled in the slaughterhouse until it has reached a temperature throughout of 7 °C before being loaded into a refrigerated truck³.
- The French public prosecutor's office is regarded as an 'issuing judicial authority', since the independence of French public prosecutors is not called into question⁴.
- Applications for family reunification by a beneficiary of international protection cannot be rejected solely on the ground of the fact that the sponsor has not provided official documentary evidence of the death of the

¹ These rulings are almost exclusively handed down in infringement procedures.

² *Nederlands Uitgeversverbond and Groep Algemene Uitgevers*, case [C-263/18](#).

³ *T. Boer & Zonen BV v Staatssecretaris van Economische Zaken*, [C-98/18](#).

⁴ *JR and YC*, [C-566/19 PPU](#) and [C-626/19 PPU](#).

minor's biological parents and, consequently, that the sponsor has an actual family relationship with the minor, without taking into consideration the specific circumstances of the sponsor and the minor and the particular difficulties they have encountered before and after fleeing their country of origin⁵.

- The Member State can withdraw residence permits from family members of a third-country national who have obtained their permits further to submitting falsified documents. The fact that the beneficiaries of those permits were unaware of the fraud is irrelevant⁶.
- An EU country may withdraw the supplementary benefit to a Turkish national who returns to Turkey and who holds, at the date of his departure from the host EU country, long-term resident status⁷.
- National authorities may issue a return decision to a third-country national not subject to a visa requirement, who is present on the territory of the Member States for a short stay; such a decision could be justified if that national is considered to be a threat to public policy because he or she is suspected of having committed a criminal offence, provided that the offence is sufficiently serious in the light of its nature and of the punishment which may be imposed, to justify that national's stay on the territory of the Member States being brought to an immediate end and, second, those authorities have consistent, objective and specific evidence to support their suspicions⁸.
- The competent authorities may, on grounds of public policy, reject an application for entry and residence on the basis of a criminal conviction imposed during a previous stay on the territory of that Member State concerned; in addition, they could withdraw a residence permit or refuse to renew it where a sentence sufficiently severe in comparison with the duration of the stay has been imposed on the applicant provided that the offence which warranted the criminal conviction is sufficiently serious to establish that it is necessary to rule out residence of that applicant and that those authorities carry out an individual assessment⁹.
- Third-country nationals legally staying (but not residing) and working in a Member State are to be issued A1 certificates for their posting in other Member States¹⁰.
- A person residing in his/her own Member State, employed in another Member State but working in international waters falls under the applicable legislation of the Member State of residence of that person¹¹.
- The shipment to a third country of a consignment of electrical and electronic appliances constitutes a 'shipment of waste' within the meaning of the Regulation on shipments of waste read in conjunction with the Waste Framework Directive, where that consignment contains appliances whose good working condition has not been previously ascertained or which are not adequately protected from transport damage¹².
- Passengers who have the right to hold their tour organiser liable for reimbursement of the cost of their air tickets cannot also claim reimbursement of the cost of those tickets from the air carrier¹³. |

⁵ *E*, Case [C-635/17](#)

⁶ *Y.Z. and Others*, Case [C-557/17](#)

⁷ *M. Çoban*, Case [C-677/17](#)

⁸ *EP*, Case [C-380/18](#)

⁹ *G.S. and V.G.*, Joined Cases [C-381/18 and C-382/18](#).

¹⁰ *Balandin*, Case [C-477/17](#).

¹¹ *SF v Inspecteur van de Belastingdienst*, Case [C-631/17](#).

¹² Regulation (EC) No [1013/2006](#) and Directive [2008/98/EC](#), *Tronex*, [C-624/17](#).

¹³ *Aegean Airlines*, [C-163/18 and press Court release No 91/2019](#).