Monitoring the Application of European Union Law
Annual Report 2018

New infringement cases opened in 2018: main policy areas

- Mobility and transport: 18
- Communication networks: 4
- Migration and home affairs: 2
- Justice and consumers: 2
- Other: 3

1. Number of infringement cases due to failure to implement an EU Directive into national law on time.
In preliminary rulings, the Court held, amongst others, that:

- Member States can decide to base the allocation of fishing quotas under the Common Fisheries Policy Regulation\(^2\) in connection with the Charter of Fundamental Rights of the EU, on the criterion of historic catches, but not exclusively on that criterion. Such an allocation method is permitted if it pursues one or more general interests recognised by the EU and respects the principle of proportionality\(^3\).
- With regard to the handling of potential collusion within a public procurement procedure, contracting authorities observing indications of potential collusion are obliged to verify them sufficiently, but the related tenderers submitting offers in the same procedure are not obliged to spontaneously disclose details of their links\(^4\).
- Technical specifications in public procurement cannot be tailored to an individual provider. It is up to contracting authorities/entities to assure fair competition, either through a detailed technical description or functional specification, or by defining an outcome, or through a combination of them\(^5\).

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\(^2\) Regulation (EU) 1380/2013.
\(^3\) Spika and Others, C-540/16.
\(^4\) Specializuotas transportas, C-531/16.
\(^5\) Roche Lietuva, C-413/17.