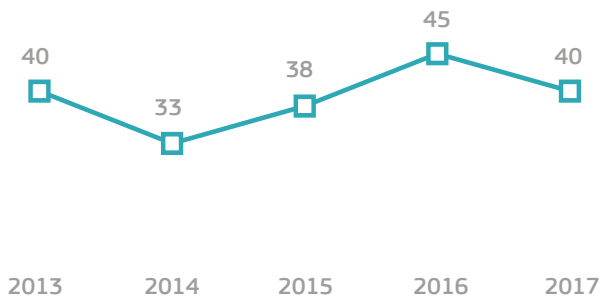
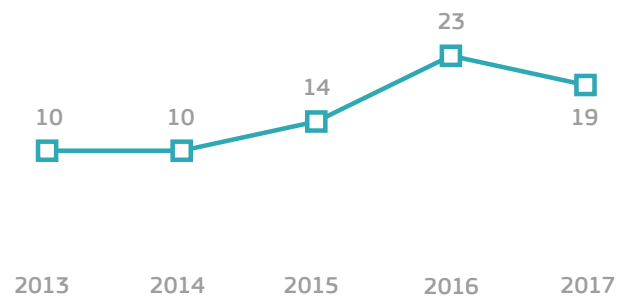
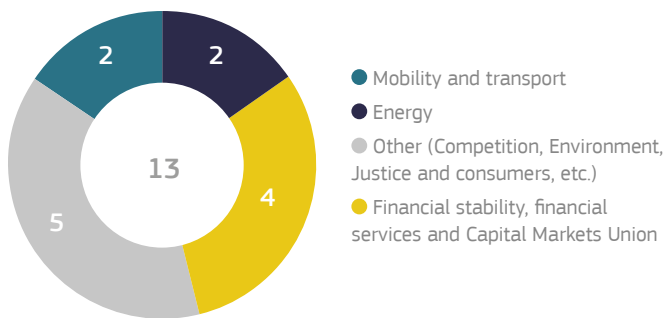
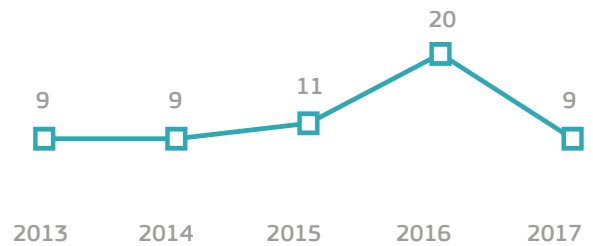


Monitoring the Application of European Union Law

Annual Report 2017

Infringement cases open as of 31 December 2017

Late transposition¹ infringement casesNew infringement cases opened in 2017:
main policy areasNew late transposition² infringement cases

¹ Number of infringement cases pending against this Member State on 31.12.2017 due to failure to implement an EU directive into national law on time.

² Number of new infringement cases opened against this Member State in 2017 due to failure to implement an EU directive into national law on time.



Relevant rulings of the European Courts:

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

- A third-country national may, as the parent of a minor child who is an EU citizen, rely on a derived right of residence in the EU. The fact that the other parent, an EU citizen, could assume sole responsibility for the primary day-to-day care of the child is a relevant factor, but is not in itself a sufficient ground to refuse a residence permit. National authorities must also determine whether there is, between the child and the third-country national parent, such a relationship of dependency that a decision to refuse a right of residence to that parent would compel the child to leave the EU³.*
- The Pirate Bay platform, by offering a search feature, categorising files, deleting faulty trackers, and filtering out some types of content, and making advertising revenues, plays an essential role in making protected works available to the public and as such engages in communication to the public. In other words the platform is considered to play an essential role, and to intervene, in providing access to copyright-protected content⁴.*
- Where a flight was cancelled, the air carrier has to pay the compensation if that information was not communicated to the passenger at least 2 weeks before departure time. This holds even where the information has reached, at least 2 weeks before the same time, the travel agent through which the carriage contract had been entered into⁵.*

³ Chavez-Vilchez, [C-133/15](#) and Court press release [No 48/17](#).

⁴ Stichting Brein v Ziggo BV and XS4All Internet BV, [C-610/15](#).

⁵ Bas Jacob Adriaan Krijgsman, [C-302/16](#).