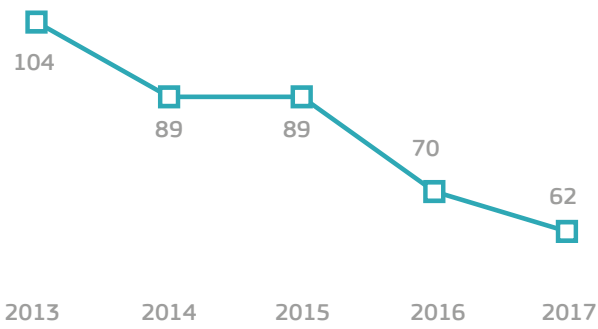


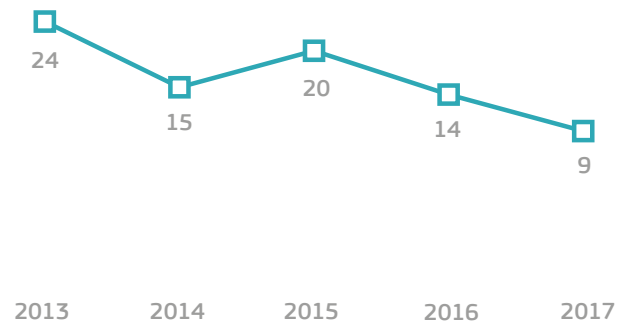
# Monitoring the Application of European Union Law

## Annual Report 2017

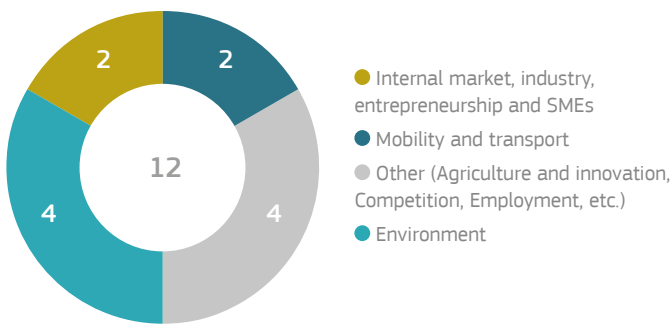
Infringement cases open as of 31 December 2017



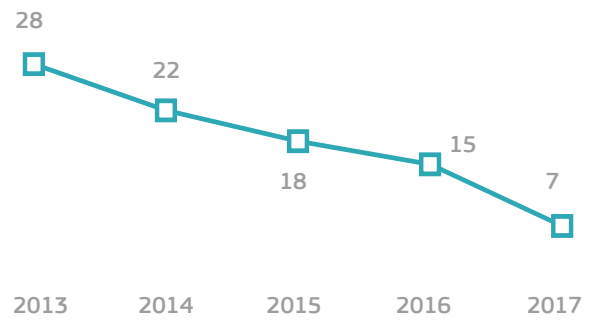
Late transposition<sup>1</sup> infringement cases



New infringement cases opened in 2017: main policy areas



New late transposition<sup>2</sup> infringement cases



<sup>1</sup> 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.

<sup>2</sup> 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:*

- National courts may dismiss an appeal against a decision rejecting a manifestly unfounded application for international protection without hearing the applicant. In such case, the factual circumstances should leave no doubt as to whether that decision was well founded and during the proceedings at first instance, the applicant should have given the opportunity of a personal interview<sup>3</sup>.*
- The Italian measures regarding the allocation of digital TV frequencies may violate in several regards the EU law on the internal market<sup>4</sup>.*
- An online platform allowing users to store copies of TV programmes in a private cloud space cannot be deemed covered by the private copying exception. This exception applies to the reproduction right, but not the right to make available a protected work. EU rules<sup>5</sup> preclude national legislation which permits a commercial undertaking to provide private individuals with a cloud service for the remote recording of private copies of works protected by copyright, by means of a computer system, by actively involving itself in the recording, without the right holder's consent<sup>6</sup>.*
- Restrictions imposed on gambling concession holders through new legislation may be compliant with the TFEU principles provided they are justified by overriding reasons relating to the general interest and are enacted proportionately i.e. with an amendment to the concession providing for a transitional period of sufficient length<sup>7</sup>.*

<sup>3</sup> Moussa Sacko, [C-348/16](#).

<sup>4</sup> Europa Way and Persidera, [C-560/15](#) and Persidera, [C-112/16](#).

<sup>5</sup> Directive [2001/29/EC](#).

<sup>6</sup> VCAST Limited v RTI SpA, [C-265/16](#).

<sup>7</sup> Global Starnet, [C-322/16](#).