

# Kluwer Copyright Blog

## Member States referred to the CJEU for failure to transpose copyright directives into national law

Sara Moran · Wednesday, March 15th, 2023

The European Commission has referred six Member States (Bulgaria, Denmark, Finland, Latvia, Poland and Portugal) to the Court of Justice of the European Union (CJEU) for failure to notify complete transposition measures on copyright in the Digital Single Market ([Directive \(EU\) 2019/790](#)) (CDSM Directive).



Photo by Sara Kurfeß on Unsplash

This follows its decision last year to [send reasoned opinions](#) to 13 Member States (Belgium, Bulgaria, Cyprus, Denmark, Greece, France, Latvia, Poland, Portugal, Slovenia, Slovakia, Finland and Sweden) for failure to notify the Commission of transposition measures in relation to the CDSM Directive.

The CDSM Directive was published in May 2019 (see [here](#) and [here](#) for an overview), following a controversial legislative process at EU level. The Directive entered into force in June 2019 and had to be transposed by Member States by 7 June 2021. National implementation has also proved to be a contentious process, with very few Member States meeting this deadline. In addition, an [action for annulment](#) under Art. 263 TFEU was filed by the Polish Government in relation to aspects of Article 17 of the CDSM Directive. Detailed information on the implementation process in the Member States can be found on [CREATE's resource page](#).

In addition, the Commission has referred Bulgaria, Finland, Latvia, Poland and Portugal to the CJEU for failure to transpose another EU Directive on copyright and related rights applicable to certain online transmissions ([EU Directive 2019/789](#)).

In addition to powers to refer the Member States to the CJEU, under Article 260(3) of the Treaty on the Functioning of the EU (TFEU), the Commission can call on the Court of Justice of the EU to impose financial sanctions on Member States that fail to fulfil their obligation to notify measures

transposing a legislative directive.

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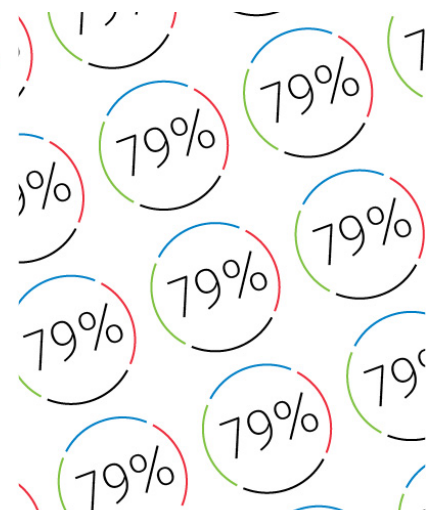
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This entry was posted on Wednesday, March 15th, 2023 at 8:37 am and is filed under [Bulgaria](#), [CDSM Directive](#), [inter alia](#), for ensuring that EU law is interpreted and applied in a consistent way in all EU countries. If a national court is in doubt about the interpretation or validity of an EU law, it can ask the Court for clarification. The same mechanism can be used to determine whether a national law or practice is compatible with EU law. The CJEU also resolves legal disputes between national governments and EU institutions, and can take action against EU institutions on behalf of individuals, companies or organisations.”>CJEU, Denmark, Digital Single Market, European Union, Finland, Latvia, Legislative process, Poland, Portugal

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