30th and 31st annual reports on monitoring the application of EU Law (2012-2013)

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The Commission presented its 30th Annual Report on monitoring the application of EU law (2012). The report reviews the performance on key aspects of the application of EU law and highlights strategic issues.

The main conclusions of the report are the following:

Transposition of Directives: in 2012 the number of late transposition infringements decreased significantly, distributed proportionally between Member States. At the end of 2012, 418 late transposition cases were open, which represents a 45% decrease when compared to the 763 cases at the end of 2011.

The four policy areas where the most late transposition infringements were launched in 2012 were transport (115 procedures), health and consumers (108), environment (63) and internal market and services (53).

For some directives (e.g.: Directive on the energy performance of buildings; Directive "Omnibus 1"; Directive onIntelligent Transport Systems; Directive amending the Community code on medicinal products for human use), infringement procedures were launched against more than two thirds of the Member States.

In 2012, the Commission referred a number of **late transposition infringements to the Court with a request for financial sanctions** under Article 260(3) TFEU (12 Member Stateswere involved in 35 such decisions). The report notes that the transposition performance of the Netherlands and that of Sweden have particularly improved but in general the ranking of Member States as regards late transposition infringements did not change.

Despite the positive tendency, a large number of directives still have to be transposed and implemented. **Reducing late transposition is a Commission priority** and the Member States are therefore invited to keep up efforts to transpose EU law correctly.

Pre-infringement phase: citizens, businesses, NGOs or other organisations file **complaints** to the Commission frequently.

The three Member States against which the most complaints were filed were: Italy (438), Spain (306) and France (242). Similar to 2011, citizens, businesses and organisations reported irregularities especially in connection with environment, justice and internal market and services (588, 491 and 462 complaints, respectively).

Petitions by citizens to the European Parliament as well as questions from Members of Parliament could also raise perceived deficiencies in the way Member States apply EU law. Most frequently, these concerned environmental issues.

The report notes that **Member States have demonstrated great willingness to solve problems before formal steps are taken**. With the joining of Malta and Luxembourg, all 27 Member States participate in EU Pilot, the on-line platform operated by the Commission to assist fast problem-solving. **Exchanges of views in EU Pilot allowed for a quick resolution** of nearly 1200 potential infringements in 2012.

Infraction procedures: at the end of 2012, 1343 infringement cases were open. The number of open infringement cases has **continued to fall** - from nearly 2900 cases in 2009, to 2100 cases in 2010 and to 1775 cases in 2011.

Together with the decrease of the number of formal infringement procedures, there were also fewer cases that the Commission had to refer to the Court. The general ranking of Member States as regards the total number of infringement did not change materially: those Member States had the fewest and the most infringement proceedings which had similar results in the previous year. **Environment, transport, taxation and internal market** remained the policy areas where the Commission initiates infringements most frequently.

This general trend is partly attributable to the successful co-operation between the Member States and the Commission. Where the Commission launched formal procedures, Member States have made further attempts to achieve compliance with EU law.

Better Governance for the Single Market (SM): to accelerate Member States' full compliance with the SM rules, the Commission Communication on the subject identified new targets for handling infringements of core EU Single Market law: i) 'Zero tolerance' (0%) as regards the timely and correct transposition of core EU Single Market law; ii) reduction of the duration of infringement procedures to 18 months; and iii) achieving full compliance with the judgments of the Court within 12 months.

In addition, the Communication encourages the Member States to submit draft implementation measures and explanatory documents in relation to core laws.

As the Guardian of the Treaties, the Commission will continue the active monitoring of the application of EU law.