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

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The Committee on Legal Affairs adopted an own-initiative report by Kostas CHRYSOGONOS (GUE /NGL, EL) on the 30th and 31st annual reports on monitoring the application of EU Law (2012-2013).

Members welcomed the Commission's 30th and 31st annual reports on the application of EU law and noted that Parliament could assist in reviewing the implementation of legislation through its scrutiny of the Commission.

In a European Union founded on the rule of law and on the certainty and predictability of laws, Members considered that EU citizens must, as of right, be the first to be made aware, in a clear, accessible, transparent and timely manner, whether and which national laws have been adopted in transposition of EU laws, and which national authorities are responsible for ensuring they are correctly implemented.

Ensure a better implementation of legislation: stressing that citizens and businesses expect a simple, predictable and reliable regulatory framework, Members urged the Commission, when drafting and assessing legislation, to take greater account of the burden it may impose on SMEs. As for the Commission and the Member States, they should **coordinate their efforts at an earlier stage of the legislative process** with a view to ensuring that the end result can be implemented more effectively.

The report stressed the European institutions' duty to **respect primary EU law** when they produce secondary EU law or decide, implement and impose on Member States social, economic or other policies. It also emphasised the duty to **assist Member States** by all means available in their efforts to respect democratic and social values and to transpose EU legislation in times of austerity and economic constraints.

In this context, Members expressed concern that the austerity measures imposed on over-indebted EU Member States, which were subsequently incorporated in acts of secondary EU law before being transposed into domestic legislation, during the period covered by the two annual reports under examination, and in particular the drastic cuts in public spending, have had the effect of significantly reducing the capacity of Member States' administration and judiciary to assume their responsibility correctly to implement EU law.

New methods for the transposition of EU law: the implementation and transposition of EU law remain **uneven** across Member States, which, combined with language problems, excessive bureaucracy and a knowledge deficit, has created a Union that is not citizen-friendly. Members welcomed the Commission's increasing use of implementation plans for new pieces of EU legislation addressed to the Member States, but also suggested that it should also think of **new ways, other than formal infringement procedures**, of improving the transposition and enforcement of EU law.

Gold-plating: the report noted the Commission's use of the term 'gold-plating', which refers to obligations that go beyond EU requirements, that is, an excess of norms, guidelines and procedures accumulated at national, regional and local levels interfering with the expected policy goals. The Commission is called upon to **clearly define the term**. Such a definition must make it clear that Member States have the right to set stricter standards where necessary, while taking into account the fact that better harmonisation in the implementation of EU environmental law is important for the functioning of the internal market.

Respect of transposition deadlines: the report noted that the decrease in late transposition infringements over the last five years can be explained by the use of EU Pilot and other mechanisms (including SOLVIT 2), and by the introduction in Article 260(3) TFEU of the 'fast-track' procedure for penalties in cases of non-transposition. It stressed that the **timely transposition of directives should remain a top priority within the Commission** and that transposition deadlines have to be enforced.

Enhancing the legal framework and the legitimacy of EU Pilot: the increase in the number of new EU Pilot files, in particular relating to the environment, taxation, justice and customs, during the period under examination, as well as the decrease in the number of open infringement cases, points to a **positive tendency** in Member States as regards the implementation of EU law, demonstrating that **EU Pilot has proved to be effective** in achieving early resolution of potential infringements. The report stressed, nevertheless, the need to reinforce the legal status and strengthen the legitimacy of EU Pilot, **through more transparency and greater participation by complainants and by the European Parliament**.

More efficient cooperation between the EU institutions: whilst welcoming the Commission services' commitment to strengthen the exchange of information with the Committee on Petitions, the report deplored the fact that Parliament, which directly represents European citizens and is now a fully-fledged co-legislator that is more and more closely involved in complaints procedures, **does not yet automatically receive transparent and timely information on the implementation of EU laws.**

Members urged more effective and efficient cooperation between the EU institutions, and expects the Commission to apply in good faith the clause of the **revised Framework Agreement on relations with Parliament** in which it undertakes to 'make available to Parliament summary information concerning all infringement procedures from the letter of formal notice, included, if so requested, on the issues to which the infringement procedure relates'.

Citizens' complaints: the report pointed out that petitions submitted by EU citizens or residents of a Member State refer to violations of EU law, particularly in the fields of fundamental rights, home affairs, justice, the internal market, health, consumers, transport, taxation, agriculture and rural development and the environment. Such a situation calls for **increased efforts** from Member States and for ongoing monitoring by the Commission.

Members deplored that in 2013, most of the late infringement cases were launched due to the late transposition of Directive 2011/36/EU on **preventing and combating trafficking in human beings**. They stressed that the current situation in the Mediterranean has increased the likelihood of trafficking, and called on the Member States to take an extremely firm line with perpetrators of such crimes and to protect the victims as effectively as possible.

Asylum remains an area where a large number of complaints have been lodged. This is why the full transposition and effective implementation of the Common European Asylum System is an absolute priority.

The Commission is called upon to be more rigorous in relation to the **application of EU environmental legislation** and to conduct faster and effective investigations into infringements relating to environmental pollution.

Lastly, Members stressed that environmental, food safety and health standards should not be undermined in the context of the Regulatory Fitness and Performance Programme (REFIT) programme.