Monitoring the application of EU law 2015

2017/2011(INI) - 19/07/2017 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted an own-initiative report drafted by Kostas CHRYSOGONOS (GUE/NGL, EL) on monitoring the application of EU law in 2015.

The main recommendations of the report are as follows:

The number of infringements remains high: Members welcomed the Commission's 2015 annual report on the application of EU law, but found that the high number of infringement proceedings showed the difficulty of ensuring the correct application of EU legislation in the Member States and that this remains a priority in the EU. At the end of 2015, there were 1 368 infringement cases, slightly higher than in 2014, but lower than in 2011.

Three areas - **mobility and transport, energy and the environment** - have mainly been the subject of infringement proceedings for failure to transpose in 2015 and have been the subject of most EU pilot procedures, in particular in Italy, Portugal and Germany. The Commission is invited to explain the reasons for this situation.

Moreover, even if infringement proceedings have been initiated for the breach of the air quality directive 2008/50/EC due to the continuous exceedances of NO2 limit values, the Commission regretted that it has not exercised its power of control to **prevent the placing on the single market of polluting diesel powered cards**.

The importance of secondary law: Members recalled that the European institutions have an obligation to respect the primary EU law when they produce secondary law. Member States are invited to:

- take measures to respect their commitments under the Joint Political Declaration of the Member States and the Commission of 28 September 2011 on **explanatory documents**, including by providing correlation tables containing clear information on the national measures transposing the directives into their national legal systems;
- **indicate whether they add elements** when transposing directives into national law to make it clear to the public which rules are the EU's responsibility and which rules fall under national responsibility;
- **comply with the transposition deadlines**; in this respect, the institutions of the Union should set realistic deadlines for enforcement.

The Commission should assist the Member States in drawing up the documents and correlation tables accompanying their national transposition measures.

Role of Parliament: the report stressed the need for Parliament to also be able to monitor the Commission's enforcement of regulations in the same way it does with directives. The Commission should therefore integrate the data on the implementation of the rules in its future annual reports on the monitoring of the application of EU law.

Parliament also plays a key role in exercising **political oversight of the Commission's enforcement actions**. It should therefore contribute further to the timely and accurate transposition of EU legislation by sharing its expertise in the legislative decision-making process through pre-established links with national parliaments.

Complaints and petitions: Members expressed concern about the number of petitions to Parliament and complaints to the Commission.

The petitioners very often concern the **violations of EU law**, in particular in the fields of employment and social affairs, the environment, justice, fundamental rights, the internal market, transport, health, education and culture.

The Commission, together with the Committee on Petitions, should submit regular reports on cases relating to ongoing proceedings in order to facilitate dialogue and reduce the time taken to settle disputes. **Whistle-blowers** should be encouraged. The role of the social partners is also underlined.

Correct transposition and implementation of legislation: this should be a priority for the Member States. The Commission is called on to urge Member States to ensure the strict enforcement of EU rules on the **free movement of persons**, in particular by ensuring the full protection of economic, social and cultural rights. In this context, full respect for the fundamental values, principles and rights enshrined in the Treaties and the Charter of Fundamental Rights of the Union should be ensured.

The report also highlighted the importance of domestic transposition and the practical implementation of **EU asylum standards**. It called for particular attention to be paid to the implementation of the measures adopted with a view to implementing the Commission's proposed **relocation mechanism** to deal with the refugee crisis.

The Commission is also called on to investigate the causes of the significant shortcomings in the **enforcement of EU environmental law**, particularly in the case of waste management, wastewater treatment and compliance with air quality limit values.

Transparency: the report stressed the importance of transparency in the drafting and application of law by EU institutions and the Member States. To make EU legislation accessible to its citizens, the latter should be **clear, understandable, consistent and precise**.

Members called for the inclusion of national parliaments in dialogue on the content of legislative proposals and invited the Commission to present a comprehensive legislative proposal on a European law of administrative procedure.