Monitoring the application of EU law 2015

2017/2011(INI) - 26/10/2017 - Text adopted by Parliament, single reading

The European Parliament adopted by 385 votes to 109, with 21 abstentions, a resolution on monitoring the application of EU law in 2015.

The main recommendations made in the resolution 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: if the primary responsibility for the application and correct application of EU law lies with the Member States, the EU institutions should respect the primary law of the Union when they produce secondary EU 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.

Member States should, however, retain the right to adopt at national level, for example, higher social and environmental standards when transposing directives into national law.

Stressing that **time limits for transposition must be enforced**, Parliament urged the EU institutions to set realistic time limits 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: Members 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 areas of **employment**, social affairs and inclusion, the internal market, industry, entrepreneurship and SMEs, justice and consumers, taxation and customs union, and the environment together account for **72 % of all complaints** submitted against the Member States in 2015. The Committee on Petitions also received many petitions about child welfare cases.

The Commission should:

- **bring together all the various portals**, access points and information websites in a single gateway that will provide citizens with easy access to online complaint forms and user-friendly information on infringement procedures;
- together with the Committee on Petitions, 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**, civil society organisations, the European Economic and Social Committee, the Committee of the Regions and other stakeholders is emphasised in creating and monitoring legislation.

Correct transposition and implementation of legislation: this should be a priority for the Member States. Parliament urged the need 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;
- ensure full respect for the fundamental values, principles and rights enshrined in the Treaties and the Charter of Fundamental Rights of the Union;
- ensure 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;
- 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;
- respect primary EU law when institutions **decide policies or sign agreements or treaties** with institutions outside the EU.

Transparency: Parliament 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.