

# Monitoring the application of EU law 2016

2017/2273(INI) - 04/06/2018 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted an own-initiative report by Kostas CHRYSOGONOS (GUE / NGL, EL) on monitoring the application of EU law in 2016.

Members welcomed the Commission's 2016 Annual Report on monitoring the application of EU law, and noted that, according to this report, the four fields in which the greatest numbers of transposition infringement proceedings were opened against Member States in 2016 were **the environment, justice and consumers, taxation, and the internal market**.

**Petitions:** the report underlined the importance of petitions as a means for citizens and residents to feel involved in the activities of the Union and to express their concerns about instances of misapplication or violation of EU law and on potential lacunae. It called on the Commission to **improve its handling of petitions** addressed by providing timely and in-depth answers.

**EU Pilot procedures** are intended to make for closer cooperation between the Commission and Member States so as to remedy breaches of EU law at an early stage through bilateral dialogue in order, wherever possible, to avert the need to resort to formal infringement proceedings. It called on the Commission to **share with Parliament information** on all EU Pilots opened and infringement procedures initiated in order to improve transparency, reduce the time frame for dispute settlement through the Committee on Petitions, and enhance the legitimacy of the EU Pilot procedure, especially where infringement procedures are concerned.

**Correct application of legislation:** Members considered that the large number of infringement procedures shows that ensuring the timely and correct application of EU legislation in Member States remains a serious challenge and priority. They noted the following in particular:

- the number of new **complaints** is at its highest since 2011, representing a 67.5% increase over the past year, with a record number of 3 783 new complaints and a decrease in rates of resolution, and, in addition, 1 657 infringement cases remained open at the end of 2016,
- **95 infringement cases are still open** after a Court ruling, mainly in the areas of 'employment' and 'justice and consumers' which are the most affected, followed by the internal market, industry, entrepreneurship and SME's, taxation and customs, and the environment;
- most **EU Pilot files** that have led to formal infringement procedures mainly concerned policy areas pertaining to the environment, the internal market, industry, entrepreneurship and SMEs, energy, and taxation and customs;
- there are still significant shortcomings in the implementation and enforcement of EU **environmental legislation** in some Member States, particularly in the areas of waste management, waste water treatment infrastructure and compliance with air quality limit values;
- there were 70 **directives to transpose** in 2016, up from 56 in 2015, while the number of new infringements for late transposition has increased significantly.

Members recommended:

- applying and implementing Union law so that the policies proposed by the Union can give full meaning to the principle of **equality between men and women**;
- upholding the **values and fundamental rights** enshrined in the Treaties and the Charter of Fundamental Rights of the European Union.

The Commission was called upon, inter alia, to:

- address the gaps in the implementation and enforcement of EU environmental legislation, including the use of infringement procedures where necessary;
- submit a proposal for the conclusion of a Union pact for democracy, the rule of law and fundamental rights;
- develop tools designed to help Member States detect transposition problems, resolve them at an early stage of infringement proceedings and find common solutions;
- make use of regulations as far as possible whenever it considers issuing legislative proposals in order to mitigate the risk of over-regulation;
- pay particular attention to the implementation of measures adopted in the area of asylum and migration, so as to ensure that they comply with the principles enshrined in the Charter of Fundamental Rights;
- respond effectively to developments in migration and security and enforce the European Agenda on Migration and the accompanying implementing measures.

Parliament recalled that **preliminary rulings** help clarify the manner in which the law of the European Union is to be applied. It encouraged national courts, in the event of doubt, to refer questions to the CJEU and thereby prevent infringement proceedings.

Lastly, Members called for the European Parliament to be given **basic control over major decisions** affecting the EU, the Member States and its people, such as decisions on national budgets and reforms.