

Monitoring the application of EU law 2016

2017/2273(INI) - 14/06/2018 - Text adopted by Parliament, single reading

The European Parliament adopted by 359 votes to 110, with 21 abstentions, a resolution 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**.

Parliament supported the efforts to resolve implementation problems informally. It called on the Commission to **improve the EU Pilot problem-solving system**, which aims for closer and more coherent cooperation between the Commission and the 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.

Petitions: Parliament 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** and asked it to provide information on the number of petitions that led to the opening of infringement proceedings.

Members 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: concerned about the increase in the total number of infringement cases opened in 2016, 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.

Parliament 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**, in particular by ensuring the implementation of the provisions relating to equality in terms of payment;
- upholding the **values and fundamental rights** enshrined in the Treaties and the Charter of Fundamental Rights of the European Union.
- **guaranteeing Union citizens sufficient and easy access** to the drafts of the legal acts which concern them and informing them in a clear, accessible and transparent manner whether and which national laws have been adopted in transposition of EU laws,

The Commission was called upon, *inter alia*, to:

- develop a framework for the proper implementation of Union legislation specifically dedicated to fair and balanced development, employment, social affairs and inclusion affairs in relation to the European Pillar of Social Rights;
- 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;
- agree on more realistic timelines for the implementation of regulations and directives;
- 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 called on the Commission to follow the fulfilment of the obligation of national courts to seek a preliminary ruling by the European Court of Justice. It encouraged national courts, in the event of doubt, to refer questions to the CJEU and thereby prevent infringement proceedings.

Lastly, Members emphasised that **codifying rules of good administration** in the form of a regulation setting out the various aspects of the administrative procedure – including notifications, binding time limits, the right to be heard and the right for every person to have access to his or her file – is tantamount to reinforcing citizens' rights and transparency.