Monitoring the application of European Union law 2017, 2018 and 2019

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The Committee on Legal Affairs adopted the own-initiative report by Sabrina PIGNEDOLI (NI, IT) on monitoring the application of Union law 2017, 2018 and 2019.

EU legislation is effective only in so far as it is, on the one hand, transposed in time, in a complete and accurate manner and, on the other hand, properly applied in national law by the Member States, which is necessary to guarantee the benefits of EU policies to all European citizens and a level playing field for businesses across the internal market.

The committee welcomed the Commission's 2017, 2018 and 2019 reports on monitoring the application of EU law, including the country-specific reports. It recognised that these annual reports, the right of petition and the European Citizens' Initiative are valuable tools for enabling EU legislators to identify potential issues.

Monitoring and reporting

Members noted a significant number of petitions expressing citizens' concerns over alleged violations of the rule of law in the Member States, and welcomed the participation of citizens in exercising their rights. The report recalled that every year Parliament receives a significant number of petitions from concerned citizens expressing dissatisfaction with the state of implementation of EU law in the Member States. Members are particularly concerned about the practice of referring a significant number of petitioners to other bodies fearing this may cause citizens to believe that their voice goes unheard by the EU Institutions.

Infringements

Members expressed concern that, in 2019, the Commission launched 797 new infringement proceedings, which is more than in 2018 (644) and 2017 (716). However, the number of procedures for non-compliance with timely transposition obligations still open in 2019 has fallen to 599, 21 % fewer than the number of procedures still open at the end of 2018 (758).

In 2019, infringement proceedings were opened in the following main policy areas, ranked from high to low according to the number of cases: environment, internal market, industry, business and SMEs, mobility and transport. The report noted with regret that environmental legislation generated the largest number of transposition and enforcement issues in 2019 while in comparison in 2018 the environment was in third place in terms of number of new infringement procedures.

Inconsistencies

Members deplored the inconsistencies and shortcomings in European legislation designed to combat cross-border organised crime including, *inter alia*, drug trafficking or trafficking in human beings. Members welcomed on the other hand the Commission's efforts to continue monitoring the full transposition of the procedural rights directives in the European area of freedom, security and justice. However, they expressed concern about the persistent difficulties encountered in transposing Directive 2012/29/EU establishing minimum standards on the rights, assistance and protection of victims of crime.

Member States are urged to transpose EU legislation on fighting serious crime and terrorism.

Serious gaps were also exposed regarding the application of EU environmental and energy laws, particularly in the area of waste management and disposal, energy efficiency, the loss of biodiversity, the over-exploitation of natural resources and protected areas, the inadequate treatment of urban wastewater and air pollution, which also have serious impacts on human health. There are 19 ongoing infringement procedures for incorrect transposition of the provisions of the Environmental Liability Directive.

The Commission is called on to firmly guarantee the swift, complete and correct transposition of all EU environmental directives in all Member States.

Members also stressed that the lack of a coherent and comprehensive set of codified rules on good administration applicable across the Union makes it difficult for citizens and businesses to easily and fully understand their rights under EU law.

Lastly, the Commission is called on to ensure that the COVID-19 pandemic is not used by Member States as a pretext for the incorrect application of EU law, and that any delays in transposing directives into national legal orders are duly justified.