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

2019/2132(INI) - 20/01/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 504 votes to 123, with 61 abstentions, a resolution on monitoring the application of Union law 2017, 2018 and 2019.

Rule of law monitoring and annual reports

The resolution welcomed the Commission's annual reports on the application of EU law for the years 2017, 2018 and 2019, including country reports, which are valuable tools for EU legislators to identify potential problems.

In view of the large number of petitions expressing citizens' concerns about alleged violations of the rule of law in Member States, Members welcomed the Commission's first annual report on the rule of law as a new preventative tool and as part of the new annual European Rule of Law mechanism.

Parliament called on the Commission to strengthen the public debate on its annual reports, stressing that civil society and other stakeholders, in particular whistleblowers, play an important role in monitoring and reporting on the application of EU law.

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.

Members considered that the large number of infringement procedures shows that ensuring the timely, correct and effective application of EU law in the Member States remains a serious challenge and priority. They called on the Commission to reduce the average time for dealing with complaints and infringement procedures as well as the time taken to bring a Member States before the Court of Justice of the European Union as the sole institution in charge of ruling on the validity of EU law.

Inconsistencies and shortcomings in legislation

Parliament 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. It stressed the importance of legislation which enables law enforcement authorities to take effective action against illicitly obtained assets as well as an EU taxation legislation in order to make tax systems more transparent, accountable and effective, as well as to curb unfair competition between Member States, and the proliferation of tax havens.

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.

Parliament expressed concern about the serious gaps 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 deplored the lack of homogeneity between Member States in implementing legislation aimed at building a social and inclusive Union and combating all forms of discrimination against vulnerable groups. They underlined the serious shortcomings and delays in the implementation of EU law on the European Pillar of Social Rights.

The resolution 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. Parliament regretted the Commission has not decided to launch infringement procedures against the Member States that have breached Schengen rules.