Basic information

2014/2253(INI) INI - Own-initiative procedure	Procedure completed
30th and 31st annual reports on monitoring the application of EU Law (2012-2013) **Subject** 8.50.01 Implementation of EU law	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	CHRYSOGONOS Kostas (GUE/NGL)	13/10/2014
	Shadow rapporteur ZWIEFKA Tadeusz (PPE) REGNER Evelyn (S&D) KARIM Sajjad (ECR) MARINHO E PINTO António (ALDE) HAUTALA Heidi (Verts/ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs	The committee decided not to give an opinion.	
ENVI Environment, Public Health and Food Safety	GUTELAND Jytte (S&D)	16/12/2014
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
TRAN Transport and Tourism	The committee decided not to give an opinion.	
LIBE Civil Liberties, Justice and Home Affairs	UNGUREANU Traian (PPE)	26/02/2015
AFCO Constitutional Affairs	CASTALDO Fabio Massimo (EFDD)	04/12/2014

	PETI Petitions	ESTARÀS FERRAGUT Rosa (PPE)	05/12/2014

European Commission	Commission DG	Commissioner
	Justice and Consumers	JOUROVÁ Věra

Key events

Date	Event	Reference	Summary
01/10/2014	Non-legislative basic document published	COM(2014)0612	Summary
15/01/2015	Committee referral announced in Parliament		
13/07/2015	Vote in committee		
23/07/2015	Committee report tabled for plenary	A8-0242/2015	Summary
10/09/2015	Decision by Parliament	T8-0322/2015	Summary
10/09/2015	Results of vote in Parliament		
10/09/2015	Debate in Parliament		
10/09/2015	End of procedure in Parliament		

Technical information

Procedure reference	2014/2253(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/02343

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE554.915	20/04/2015	
Committee opinion	PETI	PE549.428	21/05/2015	
Amendments tabled in committee		PE557.316	28/05/2015	
Committee opinion	AFCO	PE552.097	18/06/2015	

Committee opinion	ENVI	PE554.844	18/06/2015	
Committee opinion	LIBE	PE554.885	30/06/2015	
Committee report tabled for plenary, single reading		A8-0242/2015	23/07/2015	Summary
Text adopted by Parliament, single reading		T8-0322/2015	10/09/2015	Summary

European Commission

Document type	Reference	Date	Summary
Commission document (COM)	COM(2013)0726	22/10/2013	Summary
Commission document (COM)	COM(2014)0612	01/10/2014	Summary
Commission response to text adopted in plenary	SP(2015)748	24/02/2016	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2013)0726	10/04/2014	

30th and 31st annual reports on monitoring the application of EU Law (2012-2013)

2014/2253(INI) - 22/10/2013 - Supplementary non-legislative basic document

The Commission presented its 30th Annual Report on monitoring the application of EU law (2012). The report reviews the performance on key aspects of the application of EU law and highlights strategic issues.

The main conclusions of the report are the following:

Transposition of Directives: in 2012 the number of late transposition infringements decreased significantly, distributed proportionally between Member States. At the end of 2012, 418 late transposition cases were open, which represents a 45% decrease when compared to the 763 cases at the end of 2011.

The four policy areas where the most late transposition infringements were launched in 2012 were transport (115 procedures), health and consumers (108), environment (63) and internal market and services (53).

For some directives (e.g.: Directive on the energy performance of buildings; Directive "Omnibus 1"; Directive onIntelligent Transport Systems; Directive amending the Community code on medicinal products for human use), infringement procedures were launched against more than two thirds of the Member States.

In 2012, the Commission referred a number of **late transposition infringements to the Court with a request for financial sanctions** under Article 260(3) TFEU (12 Member Stateswere involved in 35 such decisions). The report notes that the transposition performance of the Netherlands and that of Sweden have particularly improved but in general the ranking of Member States as regards late transposition infringements did not change.

Despite the positive tendency, a large number of directives still have to be transposed and implemented. **Reducing late transposition is a Commission priority** and the Member States are therefore invited to keep up efforts to transpose EU law correctly.

Pre-infringement phase: citizens, businesses, NGOs or other organisations file **complaints** to the Commission frequently.

The three Member States against which the most complaints were filed were: Italy (438), Spain (306) and France (242). Similar to 2011, citizens, businesses and organisations reported irregularities especially in connection with environment, justice and internal market and services (588, 491 and 462 complaints, respectively).

Petitions by citizens to the European Parliament as well as questions from Members of Parliament could also raise perceived deficiencies in the way Member States apply EU law. Most frequently, these concerned environmental issues.

The report notes that **Member States have demonstrated great willingness to solve problems before formal steps are taken**. With the joining of Malta and Luxembourg, all 27 Member States participate in EU Pilot, the on-line platform operated by the Commission to assist fast problem-solving. **Exchanges of views in EU Pilot allowed for a quick resolution** of nearly 1200 potential infringements in 2012.

Infraction procedures: at the end of 2012, 1343 infringement cases were open. The number of open infringement cases has **continued to fall** - from nearly 2900 cases in 2009, to 2100 cases in 2010 and to 1775 cases in 2011.

Together with the decrease of the number of formal infringement procedures, there were also fewer cases that the Commission had to refer to the Court. The general ranking of Member States as regards the total number of infringement did not change materially: those Member States had the fewest and the most infringement proceedings which had similar results in the previous year. **Environment, transport, taxation and internal market** remained the policy areas where the Commission initiates infringements most frequently.

This general trend is partly attributable to the successful co-operation between the Member States and the Commission. Where the Commission launched formal procedures, Member States have made further attempts to achieve compliance with EU law.

Better Governance for the Single Market (SM): to accelerate Member States' full compliance with the SM rules, the Commission Communication on the subject identified new targets for handling infringements of core EU Single Market law: i) 'Zero tolerance' (0%) as regards the timely and correct transposition of core EU Single Market law; ii) reduction of the duration of infringement procedures to 18 months; and iii) achieving full compliance with the judgments of the Court within 12 months.

In addition, the Communication encourages the Member States to submit draft implementation measures and explanatory documents in relation to core laws.

As the Guardian of the Treaties, the Commission will continue the active monitoring of the application of EU law.

30th and 31st annual reports on monitoring the application of EU Law (2012-2013)

2014/2253(INI) - 23/07/2015 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted an own-initiative report by Kostas CHRYSOGONOS (GUE/NGL, EL) on the 30th and 31st annual reports on monitoring the application of EU Law (2012-2013).

Members welcomed the Commission’s 30th and 31st annual reports on the application of EU law and noted that Parliament could assist in reviewing the implementation of legislation through its scrutiny of the Commission.

In a European Union founded on the rule of law and on the certainty and predictability of laws, Members considered that EU citizens must, as of right, be the first to be made aware, in a clear, accessible, transparent and timely manner, whether and which national laws have been adopted in transposition of EU laws, and which national authorities are responsible for ensuring they are correctly implemented.

Ensure a better implementation of legislation: stressing that citizens and businesses expect a simple, predictable and reliable regulatory framework, Members urged the Commission, when drafting and assessing legislation, to take greater account of the burden it may impose on SMEs. As for the Commission and the Member States, they should **coordinate their efforts at an earlier stage of the legislative process** with a view to ensuring that the end result can be implemented more effectively.

The report stressed the European institutions' duty to **respect primary EU law** when they produce secondary EU law or decide, implement and impose on Member States social, economic or other policies. It also emphasised the duty to **assist Member States** by all means available in their efforts to respect democratic and social values and to transpose EU legislation in times of austerity and economic constraints.

In this context, Members expressed concern that the austerity measures imposed on over-indebted EU Member States, which were subsequently incorporated in acts of secondary EU law before being transposed into domestic legislation, during the period covered by the two annual reports under examination, and in particular the drastic cuts in public spending, have had the effect of significantly reducing the capacity of Member States’ administration and judiciary to assume their responsibility correctly to implement EU law.

New methods for the transposition of EU law: the implementation and transposition of EU law remain **uneven** across Member States, which, combined with language problems, excessive bureaucracy and a knowledge deficit, has created a Union that is not citizen-friendly. Members welcomed the Commission’s increasing use of implementation plans for new pieces of EU legislation addressed to the Member States, but also suggested that it should also think of **new ways, other than formal infringement procedures**, of improving the transposition and enforcement of EU law.

Gold-plating: the report noted the Commission’s use of the term ‘gold-plating’, which refers to obligations that go beyond EU requirements, that is, an excess of norms, guidelines and procedures accumulated at national, regional and local levels interfering with the expected policy goals. The Commission is called upon to **clearly define the term**. Such a definition must make it clear that Member States have the right to set stricter standards where necessary, while taking into account the fact that better harmonisation in the implementation of EU environmental law is important for the functioning of the internal market.

Respect of transposition deadlines: the report noted that the decrease in late transposition infringements over the last five years can be explained by the use of EU Pilot and other mechanisms (including SOLVIT 2), and by the introduction in Article 260(3) TFEU of the 'fast-track' procedure for penalties in cases of non-transposition. It stressed that the **timely transposition of directives should remain a top priority within the Commission** and that transposition deadlines have to be enforced.

Enhancing the legal framework and the legitimacy of EU Pilot: the increase in the number of new EU Pilot files, in particular relating to the environment, taxation, justice and customs, during the period under examination, as well as the decrease in the number of open infringement cases, points to a **positive tendency** in Member States as regards the implementation of EU law, demonstrating that **EU Pilot has proved to be effective** in achieving early resolution of potential infringements. The report stressed, nevertheless, the need to reinforce the legal status and strengthen the legitimacy of EU Pilot, **through more transparency and greater participation by complainants and by the European Parliament**.

More efficient cooperation between the EU institutions: whilst welcoming the Commission services' commitment to strengthen the exchange of information with the Committee on Petitions, the report deplored the fact that Parliament, which directly represents European citizens and is now a fully-fledged co-legislator that is more and more closely involved in complaints procedures, **does not yet automatically receive transparent and timely information on the implementation of EU laws.**

Members urged more effective and efficient cooperation between the EU institutions, and expects the Commission to apply in good faith the clause of the **revised Framework Agreement on relations with Parliament** in which it undertakes to 'make available to Parliament summary information concerning all infringement procedures from the letter of formal notice, included, if so requested, on the issues to which the infringement procedure relates'.

Citizens' complaints: the report pointed out that petitions submitted by EU citizens or residents of a Member State refer to violations of EU law, particularly in the fields of fundamental rights, home affairs, justice, the internal market, health, consumers, transport, taxation, agriculture and rural development and the environment. Such a situation calls for **increased efforts** from Member States and for ongoing monitoring by the Commission.

Members deplored that in 2013, most of the late infringement cases were launched due to the late transposition of Directive 2011/36/EU on **preventing and combating trafficking in human beings**. They stressed that the current situation in the Mediterranean has increased the likelihood of trafficking, and called on the Member States to take an extremely firm line with perpetrators of such crimes and to protect the victims as effectively as possible.

Asylum remains an area where a large number of complaints have been lodged. This is why the full transposition and effective implementation of the Common European Asylum System is an absolute priority.

The Commission is called upon to be more rigorous in relation to the **application of EU environmental legislation** and to conduct faster and effective investigations into infringements relating to environmental pollution.

Lastly, Members stressed that environmental, food safety and health standards should not be undermined in the context of the Regulatory Fitness and Performance Programme (REFIT) programme.

30th and 31st annual reports on monitoring the application of EU Law (2012-2013)

2014/2253(INI) - 01/10/2014 - Non-legislative basic document

PURPOSE: report of the 31st Annual Report on monitoring the application of EU law (2013).

CONTENT: this EU Report reviews the performance on key aspects of the application of EU law and highlights strategic issues.

1) Transposition of the Directives: late transposition of directives remains a **persistent problem** hindering delivery of tangible benefits for citizens. The timely transposition of directives remains a top priority within the Commission's EU law policy.

There were more directives to transpose in 2013 compared to the previous year (74 in contrast to 56 in 2012) but fewer than in 2011 (131). However, there was only a slight increase in **new late transposition** infringements in 2013 compared to the previous year (478 new late transposition infringements were launched in 2013 compared to 447 procedures in 2012).

The **four policy areas** where the most new late transposition infringements were launched in 2013 were environment (168 procedures), health and consumers (58), internal market and services (47) and transport (36).

Although the timely transposition of directives continues to be a challenge in many Member States, the report noted that:

- Denmark, Latvia and Malta maintained a very low number of late transposition infringement cases over the past three years;
- Greece and the Czech Republic made good progress in reducing their late transposition infringements during the same period.

In 2013, the Commission continued to refer a number of late transposition infringements to the Court of Justice with a **request for daily penalties** under Article 260(3) TFEU. Member States increased their efforts to achieve complete transposition before the judgment of the Court of Justice during 2013.

2) Pre-infringement phase: complaints by citizens, businesses and stakeholder organisations make a significant contribution to monitoring the respect of EU law obligations. In 2013, **the Commission received more new complaints (3505) than in any of the previous three years**. As a result, the total number of open complaints increased by approximately 19% during 2013. The three Member States against which the most complaints were filed were:

- Italy: 472 complaints, most of them related to employment (120 complaints), internal market and services (81) and environment (64);
- Spain: 439 complaints, especially in connection with employment (100 complaints), justice and environment (65 each); and
- Germany: 297 complaints, mainly related to justice (64 complaints), internal market and services (57) and environment (53).

According to the report, 72% of new complaints were concentrated in the following **five policy areas**: justice (590), environment (520), internal market and services (494), employment (470) and taxation and customs union (452).

The European Parliament alerted the Commission to shortcomings in the way Member States implement and apply EU law by way of **petitions and questions** in the following areas:

environment, home affairs, justice, health, transports, taxation, agriculture and rural development.

The Commission considers that **the high and rising number of complaints** indicates that citizens are more and more aware of the benefits that flow from the full and correct application of EU rules. At the same time, this is an indication of the **expectation that the implementation of EU law requires increased efforts** from the Member States and on-going monitoring from the Commission.

3) Infringement procedures: at the end of last year, 1,300 infringement cases remained open. The number of open infringement cases has continued to fall.

The **overall decrease of formal infringement procedures** during the past five years (from nearly 2,900 to 1,300) reflects in part that problems have been solved with the use of EU Pilot, a Commission initiative aimed at rapidly resolving problems related to the application of EU law in compliance with EU law.

The report shows that **the structured dialogue via EU Pilot has proven effective** in the early resolution of potential infringements, to the benefit of citizens and business alike. **The situation varies across Member States**:

- the Czech Republic and Portugal have managed to halve the number of their infringement cases during this period and the Netherlands and Luxembourg have also significantly improved their results;
- however, Slovenia, Cyprus and Romania saw their number of infringement cases rise over the past five years, although their total cases are at average level.

The Commission will continue its active monitoring of the application of EU law. This includes proactive assistance to the Member States and, if necessary, the launch of formal infringement proceedings.

30th and 31st annual reports on monitoring the application of EU Law (2012-2013)

2014/2253(INI) - 10/09/2015 - Text adopted by Parliament, single reading

The European Parliament adopted by 412 votes to 99 with 10 abstentions, a resolution on the 30th and 31st annual reports on monitoring the application of EU Law (2012-2013).

Members welcomed the Commission’s 30th and 31st annual reports on the application of EU law and noted that Parliament could assist in reviewing the implementation of legislation through its scrutiny of the Commission.

In a European Union founded on the rule of law and on the certainty and predictability of laws, Parliament considered that **EU citizens must, as of right, be the first to be made aware**, in a clear, accessible, transparent and timely manner, whether and which national laws have been adopted in transposition of EU laws, and which national authorities are responsible for ensuring they are correctly implemented.

Ensure a better implementation of legislation: stressing that citizens and businesses expect a **simple, predictable and reliable** regulatory framework, Members urged the Commission, when drafting and assessing legislation, to take greater account of the burden it may impose on SMEs. As for the Commission and the Member States, they should coordinate their **efforts at an earlier stage of the legislative process** with a view to ensuring that the end result can be implemented more effectively.

Respecting primary law: the resolution stressed the European institutions' duty to respect primary EU law when they produce secondary EU law or decide, implement and impose on Member States social, economic or other policies. It also emphasised the **duty to assist Member States** by all means available in their efforts to respect democratic and social values and to transpose EU legislation in times of austerity and economic constraints.

In this context, Members expressed concern that the **austerity measures imposed on over-indebted EU Member States,** which were subsequently incorporated in acts of secondary EU law before being transposed into domestic legislation, during the period covered by the two annual reports under examination, and in particular the drastic cuts in public spending, have had the effect of significantly reducing the capacity of Member States’ administration and judiciary to assume their responsibility correctly to implement EU law.

New methods for the transposition of EU law: Parliament noted that the implementation and **transposition of EU law remained uneven** across Member States. Citizens who wished to live, work or do business in another Member State faced the daily reality of ongoing difficulties. Parliament stressed that late transposition, incorrect transposition and bad application of EU law could result in differentiation between Member States and distort the level playing field across the EU.

Members reiterated the need for the Commission to focus on effective problem-solving, effective management and preventive measures, but suggested that it should also think of new ways, other than formal infringement procedures, of improving the transposition and enforcement of EU law.

Gold-plating: Parliament noted the Commission's use of the term 'gold-plating', which referred to obligations that go beyond EU requirements, that is, an excess of norms, guidelines and procedures accumulated at national, regional and local levels interfering with the expected policy goals. The Commission was called upon to **clearly define the term**. Such a definition must make it clear that Member States have the right to set stricter standards where necessary, while taking into account the fact that better harmonisation in the implementation of EU environmental law is important for the functioning of the internal market.

Respecting transposition deadlines: Parliament noted that the decrease in late transposition infringements over the last five years could be explained by the use of EU Pilot and other mechanisms (including SOLVIT 2), and by the introduction in Article 260(3) TFEU of the 'fast-track' procedure for penalties in cases of non-transposition. It stressed that the **timely transposition of directives should remain a top priority within the Commission** and that transposition deadlines have to be enforced.

Enhancing the legal framework and the legitimacy of EU Pilot: the increase in the number of new EU Pilot files, in particular relating to the environment, taxation, justice and customs, during the period under examination, as well as the decrease in the number of open infringement cases, points to a positive tendency in Member States as regards the implementation of EU law, demonstrating that EU Pilot has proved to be effective in achieving early resolution of potential infringements. The resolution stressed, nevertheless, the need to reinforce the legal status and strengthen the legitimacy of EU Pilot, through more transparency and greater participation by complainants and by the European Parliament.

More efficient cooperation between the EU institutions: whilst welcoming the Commission services' commitment to strengthen the exchange of information with the Committee on Petitions, Parliament deplored the fact that Parliament, which directly represented European citizens and was now a fully-fledged co-legislator that was more and more closely involved in complaints procedures, **did not yet automatically receive transparent and timely information** on the implementation of EU laws.

Members urged more effective and efficient cooperation between the EU institutions, and expects the Commission to apply in good faith the clause of **the revised Framework Agreement on relations with Parliament** in which it undertakes to 'make available to Parliament summary information concerning all infringement procedures from the letter of formal notice, included, if so requested, on the issues to which the infringement procedure relates'.

Citizens' complaints: since the EU had been set up as a Union based on the **rule of law and respect for human rights** (Article 2 TEU), Members reiterated that careful monitoring of Member States' and EU institutions' acts and omissions was of utmost importance.

Parliament pointed out that petitions submitted by EU citizens or residents of a Member State referred to violations of EU law, particularly in the fields of fundamental rights, home affairs, justice, the internal market, health, consumers, transport, taxation, agriculture and rural development and the environment. Such a situation called for **increased efforts** from Member States and for ongoing monitoring by the Commission, especially in the following areas:

- **preventing and combating trafficking in human beings**: in 2013, most late infringement cases were launched due to the late transposition of Directive 2011/36/EU;
- **right of asylum**: a large number of complaints had been lodged in this area. The full transposition and effective implementation of the Common European Asylum System was an absolute priority;
- Area of Freedom, Security and Justice: Parliament reiterated that the right of free movement was one of the four fundamental freedoms of the EU enshrined in the Treaty on the Functioning of the European Union, and the right of EU citizens to move freely and reside and work in other Member States needed to be guaranteed and protected;
- **environment:** stressing that failing to implement environmental policy – including the costs of infringement proceedings –were estimated at around EUR 50 billion per annum, Parliament called on the Commission to be more rigorous in relation to the application of EU environmental legislation and to conduct faster and effective investigations into infringements relating to environmental pollution.

Members stated that environmental, food safety and health standards should not be undermined in the context of the **Regulatory Fitness and Performance Programme** (REFIT) programme. In relation to REFIT the Commission needed to facilitate dialogue on regulatory fitness with citizens, Member States, business and civil society at large, so as to ensure that the quality and social aspects of EU legislation were preserved.