Basic information

2015/2326(INI) INI - Own-initiative procedure	Procedure completed
Monitoring the application of Union law. 2014 annual report **Subject** 8.50.01 Implementation of EU law	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	HAUTALA Heidi (Verts/ALE)	15/09/2015
	Shadow rapporteur KAUFMANN Sylvia-Yvonne (S&D) DZHAMBAZKI Angel (ECR) MARINHO E PINTO António (ALDE)	

Committee for opinion	Rapporteur for opinion	Appointed
INTA International Trade	The committee decided not to give an opinion.	
ECON Economic and Monetary Affairs	TREMOSA I BALCELLS Ramon (ALDE)	17/12/2015
EMPL Employment and Social Affairs	KOZŁOWSKA Agnieszka (PPE)	17/09/2015
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
AFCO Constitutional Affairs	ANNEMANS Gerolf (ENF)	20/04/2016

	PETI Petitions	WIKSTRÖM Cecilia (ALDE)	03/12/2015

European Commission	Commission DG	Commissioner
	Secretariat-General	TIMMERMANS Frans

Key events

Date	Event	Reference	Summary
09/07/2015	Non-legislative basic document published	COM(2015)0329	Summary
26/11/2015	Committee referral announced in Parliament		
05/09/2016	Vote in committee		
09/09/2016	Committee report tabled for plenary	A8-0262/2016	Summary
06/10/2016	Decision by Parliament	T8-0385/2016	Summary
06/10/2016	Results of vote in Parliament		
06/10/2016	Debate in Parliament		
06/10/2016	End of procedure in Parliament		

Technical information

Procedure reference	2015/2326(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Annual report
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/05074

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	EMPL	PE569.846	18/02/2016	
Committee draft report		PE578.513	25/02/2016	
Amendments tabled in committee		PE578.824	05/04/2016	

Committee opinion	PETI	PE576.696	22/04/2016	
Committee opinion	ECON	PE578.521	28/04/2016	
Committee report tabled for plenary, single reading		A8-0262/2016	09/09/2016	Summary
Text adopted by Parliament, single reading		T8-0385/2016	06/10/2016	Summary

European Commission

Document type	Reference	Date	Summary
Commission document (COM)	COM(2015)0329	09/07/2015	Summary

Monitoring the application of Union law. 2014 annual report

2015/2326(INI) - 09/07/2015 - Non-legislative basic document

PURPOSE: to present the 2014 annual report on monitoring the application of Union law.

CONTENT: this annual report from the Commission reviews the Member States' performance on key aspects of the application of EU law and highlights the main enforcement policy developments of 2014.

Detecting and resolving problems: before infringement proceedings are started, the Commission first opens bilateral discussions with the Member State concerned via **EU Pilot** (a Commission initiative aimed at asking Member States to answer questions and to find solutions to problems related to the application of EU law):

- **777 EU Pilot investigations** were launched in 2014 (in 2013, 1023 were started). Environment, energy, and mobility/transport were the three policy areas with the most potential infringements. 3715 new complaints were registered in 2014. The Member States primarily concerned were Italy, Spain and Germany.
- By way of petitions and questions, in 2014 the European Parliament alerted the Commission to shortcomings in the way Member States implement and apply EU law. These include the fields of environment, transport, health and consumers and taxation.
- In 2014, **the number fell back to its 2011 level**: 1208 new files were opened (a fall of approximately 20%). Of the 1336 processed EU Pilot files in 2014, the Commission closed 996. This is a 75% resolution rate for the Member States, up from 70% in 2013.

Infringement procedure

- ***Pre-litigation phase***: in 2014, the Commission launched **893 new procedures** by sending a letter of formal notice. The **overall decrease in the number of formal infringement procedures** in the last five years (from nearly 2900 to 1347) reflects the effectiveness of structured dialogue via the EU Pilot in resolving potential infringements quickly, to the benefit of people and businesses. Statistics confirm that Member States make serious efforts to settle their infringements before the Court hands down its ruling.
- ***Referrals to the Court of Justice***: the Court delivered **38 judgments** under Article 258 TFEU in 2014, of which 35 (92%) were in favour of the Commission. Environment (10), taxation (8) and enterprise and industry (5) were the subject of the most judgments delivered by the Court during 2014. Member States frequently take the necessary measures to comply with the judgment of the Court promptly.

In the coming year, the Commission aims to strengthen cooperation with Member States to prevent infringements from arising and speed up correction of breaches of EU law where necessary.

Transposition of directives: late transposition of directives by Member States remains a persistent problem. Combating late transposition is therefore a **long-established priority for the Commission.**

There were fewer directives to transpose in 2014 than in the previous year i.e. 67 compared with 74 in 2013) but more than in 2012 (56). However, there was a **significant increase in new late transposition infringements** in 2014 compared with the previous year: 585 new late transposition infringements were launched in 2014 compared with 478 in 2013.

The rising number of infringements relating to late transposition shows that prompt transposition continues to be a challenge in numerous Member States and requires an effective response by the Commission. Timely and correct transposition of EU law into national legislation and a clear domestic legislative framework should be a priority for the Member States.

- Once directives are adopted, the Commission will use the period before the transposition deadline expires to focus on providing assistance to Member States on implementation.
- After the transposition deadline expires, the Commission will strengthen enforcement of EU law based on structured and systematic transposition and conformity checks of national legislation.

Policy developments: in 2014, the Commission continued its efforts to inform people better about their rights under EU law and to ensure that they find suitable mechanisms of redress, if they consider these rights have been breached. These efforts focused on providing **better access to information** on the application of EU law, on problem-solving instruments (such as SOLVIT) for EU citizens and businesses in Member States and on **improving the handling of complaints** from EU citizens and businesses about breaches of EU law.

The Commission also provides **implementation plans** to make it easier to apply the Union law effectively and on time, while fully recognising that applying the Union law is the responsibility of Member States. The implementation plans are drafted at an early stage when drafting new legislation.

Better Regulation Agenda: the Commission will focus on ensuring the clarity, operability and enforceability of EU legislation. This objective cannot be achieved without an active contribution from all parties involved in the EU's legislative process. **Increased attention will be paid to aspects of implementation, management and enforcement,** both when the Commission drafts proposals and throughout the legislative process.

Lastly, with its Regulatory Fitness and Performance Programme (REFIT), and Communication of June 2014, the Commission set out an ambitious agenda with almost 200 individual actions to simplify and reduce the regulatory burden, repeal existing regulation and withdraw proposals for new regulation.

Monitoring the application of Union law. 2014 annual report

2015/2326(INI) - 06/10/2016 - Text adopted by Parliament, single reading

The European Parliament adopted by 490 votes to 61, with 57 abstentions, a resolution following the annual report of 2014 on monitoring the application of Union law.

Members stressed the **Commission's essential role** in overseeing the application of EU law. They called on the Commission to continue its active role in developing various tools to improve EU law implementation, in the Member States, and to **provide data,** in addition to that on the implementation of EU directives, on implementation of EU regulations in its next annual report.

Role of Parliament and stakeholders: while recalling that the role of monitoring and evaluation of the implementation of EU law lies with the Commission, Members acknowledged that **Parliament also has a crucial role to play** in this regard by exercising political oversight of the Commission's enforcement actions. They suggested that it could contribute further to the timely and accurate transposition of EU legislation by sharing its expertise in the legislative decision-making process through pre-established links with national parliaments.

Parliament also stressed **the important role of the social partners, civil society organisations and other stakeholders** in creating legislation and in monitoring and reporting shortcomings in the transposition and application of EU law by the Member States.

It appreciated the importance attributed in the Commission's annual report to **petitions** submitted by citizens, businesses and civil society organisations.

Better enforcement: Parliament welcomed the fact that the new Interinstitutional Agreement on better law-making contains provisions that aim to improve the implementation and application of EU law and to encourage **more structured cooperation** in this respect. It supported the call, expressed in the agreement, for **better identification of national measures** that are not strictly related to Union legislation (a practice known as 'gold plating').

Members called on the European institutions to agree on **more suitable timetables for the implementation of regulations and directives**, whereby due account is taken of necessary scrutiny and consultation periods.

Candidate countries: Members felt that **Parliament itself should play a stronger role in the analysis** of how accession countries and countries with association agreements with the European Union comply with EU law, and provide those countries with suitable assistance. It is suggested that Parliament should draft proper reports, not simply resolutions, on all candidate countries in response to the annual progress reports released by the Commission.

More transparency: Parliament noted that the increase in the number of new EU Pilot files during the period under examination, and the decrease in the number of open infringement cases, show that the EU Pilot system has proved its usefulness, and has had a positive impact. It reiterated, however, that the **enforcement of EU law is neither sufficiently transparent** nor subject to any real control by the complainants and the interested parties. Members regretted that, despite repeated requests, Parliament still has **inadequate access** to information about the EU Pilot procedure and pending cases.

Pointing out that sincere cooperation between the Commission and Parliament is an obligation incumbent on them both, Parliament called for the **Framework Agreement on Relations between the European Parliament and the European Commission** to be revised so as to enable information about EU Pilot procedures to be supplied in the form of a (confidential) document to the parliamentary committee responsible.

In this context, the resolution also underlined that the Committee on Legal Affairs has set up a new **Working Group on Administrative Law**, which could be a source of inspiration for the Commission, to show that a regulation on the administrative procedure of the Union's administration would be both useful and feasible to enact.

The Commission was asked to **present a legislative proposal on a European law of administrative procedure** and to make compliance with EU law a real political priority, to be pursued in close collaboration with Parliament.

Monitoring the application of Union law. 2014 annual report

2015/2326(INI) - 09/09/2016 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the own-initiative report by Heidi HAUTALA (Greens/EFA, FI) following the annual report of 2014 on monitoring the application of Union law.

Members stressed the **Commission's essential role** in overseeing the application of EU law. They called on the Commission to continue its active role in developing various tools to improve EU law implementation, in the Member States, and to **provide data,** in addition to that on the implementation of EU directives, on implementation of EU regulations in its next annual report.

Role of Parliament and stakeholders: while recalling that the role of monitoring and evaluation of the implementation of EU law lies with the Commission, Members acknowledged that **Parliament also has a crucial role to play** in this regard by exercising political oversight of the Commission's enforcement actions. They suggested that it could contribute further to the timely and accurate transposition of EU legislation by sharing its expertise in the legislative decision-making process through pre-established links with national parliaments.

The report also stressed **the important role of the social partners, civil society organisations and other stakeholders** in creating legislation and in monitoring and reporting shortcomings in the transposition and application of EU law by the Member States. It called on the European institutions to agree on **more suitable timetables for the implementation of regulations and directives**, whereby due account is taken of necessary scrutiny and consultation periods.

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