

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.