














Procedure file

Basic information		
INI - Own-initiative procedure	2017/2011(INI)	Procedure completed
Monitoring the application of EU law 2015		
Subject 8.50.01 Implementation of EU law		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 JURI Legal Affairs	Shadow rapporteur	
		 BUDA Daniel	
		 KAUFMANN Sylvia-Yvonne	
		 KARIM Sajjad	
		 CAVADA Jean-Marie	
		 HAUTALA Heidi	
		 BOUTONNET Marie-Christine	
	Committee for opinion	Rapporteur for opinion	Appointed
	 AFCO Constitutional Affairs		20/03/2017
		 UJAZDOWSKI Kazimierz Michał	
	 PETI Petitions		23/01/2017
		 WIKSTRÖM Cecilia	
European Commission	Commission DG Secretariat-General	Commissioner TIMMERMANS Frans	

Key events			
16/02/2017	Committee referral announced in Parliament		
13/07/2017	Vote in committee		

19/07/2017	Committee report tabled for plenary	A8-0265/2017	Summary
26/10/2017	Results of vote in Parliament		
26/10/2017	Debate in Parliament		
26/10/2017	Decision by Parliament	T8-0421/2017	Summary
26/10/2017	End of procedure in Parliament		

Technical information

Procedure reference	2017/2011(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Annual report
Legal basis	Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/09085

Documentation gateway

Committee draft report		PE599.591	08/02/2017	EP	
Amendments tabled in committee		PE601.081	10/03/2017	EP	
Committee opinion	PETI	PE597.698	23/03/2017	EP	
Committee opinion	AFCO	PE603.107	01/06/2017	EP	
Committee report tabled for plenary, single reading		A8-0265/2017	19/07/2017	EP	Summary
Text adopted by Parliament, single reading		T8-0421/2017	26/10/2017	EP	Summary
Commission response to text adopted in plenary		SP(2018)7	08/03/2018	EC	

Monitoring the application of EU law 2015

The Committee on Legal Affairs adopted an own-initiative report drafted by Kostas CHRYSOGONOS (GUE/NGL, EL) on monitoring the application of EU law in 2015.

The main recommendations of the report are as follows:

The number of infringements remains high: Members welcomed the Commissions [2015 annual report](#) on the application of EU law, but found that the high number of infringement proceedings showed the difficulty of ensuring the correct application of EU legislation in the Member States and that this remains a priority in the EU. At the end of 2015, there were 1 368 infringement cases, slightly higher than in 2014, but lower than in 2011.

Three areas - mobility and transport, energy and the environment - have mainly been the subject of infringement proceedings for failure to transpose in 2015 and have been the subject of most EU pilot procedures, in particular in Italy, Portugal and Germany. The Commission is invited to explain the reasons for this situation.

Moreover, even if infringement proceedings have been initiated for the breach of the air quality directive 2008/50/EC due to the continuous exceedances of NO₂ limit values, the Commission regretted that it has not exercised its power of control to prevent the placing on the single market of polluting diesel powered cards.

The importance of secondary law: Members recalled that the European institutions have an obligation to respect the primary EU law when they produce secondary law. Member States are invited to:

- take measures to respect their commitments under the Joint Political Declaration of the Member States and the Commission of 28 September 2011 on explanatory documents, including by providing correlation tables containing clear information on the national measures transposing the directives into their national legal systems;
- indicate whether they add elements when transposing directives into national law to make it clear to the public which rules are the EUs

- responsibility and which rules fall under national responsibility;
- comply with the transposition deadlines; in this respect, the institutions of the Union should set realistic deadlines for enforcement.

The Commission should assist the Member States in drawing up the documents and correlation tables accompanying their national transposition measures.

Role of Parliament: the report stressed the need for Parliament to also be able to monitor the Commissions enforcement of regulations in the same way it does with directives. The Commission should therefore integrate the data on the implementation of the rules in its future annual reports on the monitoring of the application of EU law.

Parliament also plays a key role in exercising political oversight of the Commissions enforcement actions. It should therefore 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.

Complaints and petitions: Members expressed concern about the number of petitions to Parliament and complaints to the Commission.

The petitioners very often concern the violations of EU law, in particular in the fields of employment and social affairs, the environment, justice, fundamental rights, the internal market, transport, health, education and culture.

The Commission, together with the Committee on Petitions, should submit regular reports on cases relating to ongoing proceedings in order to facilitate dialogue and reduce the time taken to settle disputes. Whistle-blowers should be encouraged. The role of the social partners is also underlined.

Correct transposition and implementation of legislation: this should be a priority for the Member States. The Commission is called on to urge Member States to ensure the strict enforcement of EU rules on the free movement of persons, in particular by ensuring the full protection of economic, social and cultural rights. In this context, full respect for the fundamental values, principles and rights enshrined in the Treaties and the Charter of Fundamental Rights of the Union should be ensured.

The report also highlighted the importance of domestic transposition and the practical implementation of EU asylum standards. It called for particular attention to be paid to the implementation of the measures adopted with a view to implementing the Commissions proposed relocation mechanism to deal with the refugee crisis.

The Commission is also called on to investigate the causes of the significant shortcomings in the enforcement of EU environmental law, particularly in the case of waste management, wastewater treatment and compliance with air quality limit values.

Transparency: the report stressed the importance of transparency in the drafting and application of law by EU institutions and the Member States. To make EU legislation accessible to its citizens, the latter should be clear, understandable, consistent and precise.

Members called for the inclusion of national parliaments in dialogue on the content of legislative proposals and invited the Commission to present a comprehensive legislative proposal on a European law of administrative procedure.

Monitoring the application of EU law 2015

The European Parliament adopted by 385 votes to 109, with 21 abstentions, a resolution on monitoring the application of EU law in 2015.

The main recommendations made in the resolution are as follows:

The number of infringements remains high: Members welcomed the [Commissions 2015 annual report](#) on the application of EU law, but found that the high number of infringement proceedings showed the difficulty of ensuring the correct application of EU legislation in the Member States and that this remains a priority in the EU. At the end of 2015, there were 1 368 infringement cases, slightly higher than in 2014, but lower than in 2011.

Three areas - mobility and transport, energy and the environment - have mainly been the subject of infringement proceedings for failure to transpose in 2015 and have been the subject of most EU pilot procedures, in particular in Italy, Portugal and Germany. The Commission is invited to explain the reasons for this situation.

Moreover, even if infringement proceedings have been initiated for the breach of the air quality directive 2008/50/EC due to the continuous exceedances of NO₂ limit values, the Commission regretted that it has not exercised its power of control to prevent the placing on the single market of polluting diesel powered cards.

The importance of secondary law: if the primary responsibility for the application and correct application of EU law lies with the Member States, the EU institutions should respect the primary law of the Union when they produce secondary EU law.

Member States are invited to take measures to respect their commitments under the Joint Political Declaration of the Member States and the Commission of 28 September 2011 on explanatory documents, including by providing correlation tables containing clear information on the national measures transposing the directives into their national legal systems.

Member States should, however, retain the right to adopt at national level, for example, higher social and environmental standards when transposing directives into national law.

Stressing that time limits for transposition must be enforced, Parliament urged the EU institutions to set realistic time limits for enforcement.

The Commission should assist the Member States in drawing up the documents and correlation tables accompanying their national transposition measures

Role of Parliament: Members stressed the need for Parliament to also be able to monitor the Commissions enforcement of regulations in the same way it does with directives. The Commission should therefore integrate the data on the implementation of the rules in its future annual reports on the monitoring of the application of EU law.

Parliament also plays a key role in exercising political oversight of the Commissions enforcement actions. It should therefore 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.

Complaints and petitions: Members expressed concern about the number of petitions to Parliament and complaints to the Commission.

The areas of employment, social affairs and inclusion, the internal market, industry, entrepreneurship and SMEs, justice and consumers, taxation and customs union, and the environment together account for 72 % of all complaints submitted against the Member States in 2015. The Committee on Petitions also received many petitions about child welfare cases.

The Commission should:

- bring together all the various portals, access points and information websites in a single gateway that will provide citizens with easy access to online complaint forms and user-friendly information on infringement procedures;
- together with the Committee on Petitions, submit regular reports on cases relating to ongoing proceedings in order to facilitate dialogue and reduce the time taken to settle disputes.

Whistle-blowers should be encouraged. The role of the social partners, civil society organisations, the European Economic and Social Committee, the Committee of the Regions and other stakeholders is emphasised in creating and monitoring legislation.

Correct transposition and implementation of legislation: this should be a priority for the Member States. Parliament urged the need to:

- ensure the strict enforcement of EU rules on the free movement of persons, in particular by ensuring the full protection of economic, social and cultural rights;
- ensure full respect for the fundamental values, principles and rights enshrined in the Treaties and the Charter of Fundamental Rights of the Union;
- ensure domestic transposition and the practical implementation of EU asylum standards. It called for particular attention to be paid to the implementation of the measures adopted with a view to implementing the Commissions proposed relocation mechanism to deal with the refugee crisis;
- investigate the causes of the significant shortcomings in the enforcement of EU environmental law, particularly in the case of waste management, wastewater treatment and compliance with air quality limit values;
- respect primary EU law when institutions decide policies or sign agreements or treaties with institutions outside the EU.

Transparency: Parliament stressed the importance of transparency in the drafting and application of law by EU institutions and the Member States. To make EU legislation accessible to its citizens, the latter should be clear, understandable, consistent and precise.

Members called for the inclusion of national parliaments in dialogue on the content of legislative proposals and invited the Commission to present a comprehensive legislative proposal on a European law of administrative procedure.