

# Procedure file

Basic information		
INI - Own-initiative procedure	<a href="#">2017/2273(INI)</a>	Procedure completed
Monitoring the application of EU law 2016		
Subject 8.50.01 Implementation of EU law		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 JURI Legal Affairs	Shadow rapporteur	
		 <a href="#">KAUFMANN</a> Sylvia-Yvonne	
		 <a href="#">CAVADA Jean-Marie</a>	
		 <a href="#">BOUTONNET</a> Marie-Christine	
	Committee for opinion	Rapporteur for opinion	Appointed
 ENVI Environment, Public Health and Food Safety		12/12/2017	
	 <a href="#">PETIR Marijana</a>		
 AFCO Constitutional Affairs		21/11/2017	
	 <a href="#">UJAZDOWSKI</a> Kazimierz Michał		
 FEMM Women's Rights and Gender Equality		30/01/2018	
	 <a href="#">PETIR Marijana</a>		
 PETI Petitions		28/11/2017	
	 <a href="#">WIKSTRÖM Cecilia</a>		
European Commission	Commission DG <a href="#">Justice and Consumers</a>	Commissioner JOUROVÁ Věra	

Key events			
06/07/2017	Non-legislative basic document published	<a href="#">COM(2017)0370</a>	Summary
18/01/2018	Committee referral announced in		

	Parliament		
15/05/2018	Vote in committee		
04/06/2018	Committee report tabled for plenary	<a href="#">A8-0197/2018</a>	Summary
14/06/2018	Results of vote in Parliament		
14/06/2018	Decision by Parliament	<a href="#">T8-0268/2018</a>	Summary
14/06/2018	End of procedure in Parliament		

### Technical information

Procedure reference	2017/2273(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Annual report
Legal basis	Rules of Procedure EP 54
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/11749

### Documentation gateway

Non-legislative basic document		<a href="#">COM(2017)0370</a>	06/07/2017	EC	Summary
Committee draft report		<a href="#">PE617.980</a>	01/02/2018	EP	
Amendments tabled in committee		<a href="#">PE619.083</a>	02/03/2018	EP	
Committee opinion	<b>AFCO</b>	<a href="#">PE618.186</a>	22/03/2018	EP	
Committee opinion	<b>PETI</b>	<a href="#">PE616.610</a>	23/03/2018	EP	
Committee opinion	<b>ENVI</b>	<a href="#">PE616.822</a>	28/03/2018	EP	
Committee opinion	<b>FEMM</b>	<a href="#">PE616.864</a>	16/04/2018	EP	
Committee report tabled for plenary, single reading		<a href="#">A8-0197/2018</a>	04/06/2018	EP	Summary
Text adopted by Parliament, single reading		<a href="#">T8-0268/2018</a>	14/06/2018	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2018)567</a>	13/11/2018	EC	

## Monitoring the application of EU law 2016

**PURPOSE:** presentation of the 2016 annual report on monitoring the application of EU law.

**CONTENT:** the Commission restated its commitment to improving the application of EU law in a Communication of December 2016 which sets out a more strategic approach to its infringement policy.

This annual report highlights the main developments in enforcement policy in 2016.

**Infringement procedures:** the Commission registered 3 783 new complaints in 2016. The three Member States against which it filed the most complaints were Italy, Spain and France.

- Italy: 753 complaints, most of them related to: employment, social affairs and inclusion (322 complaints); internal market, industry, entrepreneurship and SMEs (129 complaints); and environment (76 complaints);
- Spain: 424 complaints, especially in connection with: justice and consumers (149 complaints); employment, social affairs and inclusion (57 complaints); and taxation and customs union (44 complaints); and
- France: 325 complaints, mainly related to: mobility and transport (79 complaints); employment, social affairs and inclusion (60

complaints); and justice and consumers (58 complaints).

The EU Pilot dialogue between the Commission and Member States was set up to quickly resolve potential breaches of EU law at an early stage in appropriate cases: 790 new EU Pilot files were opened in 2016.

The high number of infringement procedures, which in 2016 rose to a five-year peak, remains a serious concern. The Commission launched 986 new procedures by sending a letter of formal notice.

The main areas concerned are: (i) internal market, industry, entrepreneurship and SMEs (292); health and food safety (148); financial stability, financial services and capital markets union (120); environment (89). It also sent 292 reasoned opinions to Member States in 2016. At the end of 2016, 1 657 infringement proceedings were still in progress.

Transposition of directives: there were 70 directives to transpose in 2016, up from 56 in 2015. New late transposition infringements increased sharply, to 847 from 543. At the end of 2016, 868 late transposition infringement cases were still open, a 67.5 % increase from the 518 cases open at the end of 2015.

New cases were launched against 27 Member States for late transposition of the Directive on measures to reduce the cost of deploying high-speed electronic communications networks.

In addition, 26 Member States were involved in cases of late transposition of the Directives on human tissues and cells. The Commission launched 23 procedures over late transposition of the Directive on collective management of copyright and related rights.

In 2016, Portugal (4), Greece (3) and Spain (3) were the subject of most of the Court's judgments under Article 258 TFEU.

Priority areas: the 2016 annual report reflects the focus on enforcement in the political priority areas of the Commission. For example, the Commission pursued enforcement actions in the area of the internal market, where it specifically targeted Member States failure to establish or apply penalties systems to deter car manufacturers from violating car emissions legislation.

Another example is the transposition of EU rules on public procurement and concessions; here, full transposition and implementation of EU law is essential to make it easier and cheaper for small and medium-sized enterprises to bid for public contracts, in full respect of the EUs principles of transparency and competition.

The Commission closely monitored the application of the *acquis* in the areas of free movement of workers and health and safety at work, climate and energy policy, the environment and financial services, consumer protection, health and food safety.

The Commission followed up on the infringement procedures it launched in 2015 over the non-communication or incorrect implementation of instruments under the Common European Asylum System.

Commission action: improving the application of EU law is a priority for the Commission and an essential part of the Better Regulation agenda. The Commission intends to:

- provide Member States with the support and assistance they need during the implementation phase will focus on issues where enforcement action can make a real difference;
- strengthen its response when pursuing breaches of EU law through infringement procedures. To ensure swifter compliance and to be able to deliver on its policy priorities, the Commission will henceforth launch infringement procedures without relying on the EU Pilot mechanism, unless recourse to EU Pilot is seen as useful in a given case.

The Commission has also reinforced the sanctions regime under Article 260(3) TFEU for when Member States fail to communicate on time their measures transposing a directive adopted under a legislative procedure.

This more strategic approach to enforcement, combined with timely and effective Commission action, aims at ensuring better application of EU law for the benefit of all.

## Monitoring the application of EU law 2016

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The Committee on Legal Affairs adopted an own-initiative report by Kostas CHRYSOGONOS (GUE / NGL, EL) on monitoring the application of EU law in 2016.

Members welcomed the Commissions 2016 Annual Report on monitoring the application of EU law, and noted that, according to this report, the four fields in which the greatest numbers of transposition infringement proceedings were opened against Member States in 2016 were the environment, justice and consumers, taxation, and the internal market.

Petitions: the report underlined the importance of petitions as a means for citizens and residents to feel involved in the activities of the Union and to express their concerns about instances of misapplication or violation of EU law and on potential lacunae. It called on the Commission to improve its handling of petitions addressed by providing timely and in-depth answers.

EU Pilot procedures are intended to make for closer cooperation between the Commission and Member States so as to remedy breaches of EU law at an early stage through bilateral dialogue in order, wherever possible, to avert the need to resort to formal infringement proceedings. It called on the Commission to share with Parliament information on all EU Pilots opened and infringement procedures initiated in order to improve transparency, reduce the time frame for dispute settlement through the Committee on Petitions, and enhance the legitimacy of the EU Pilot procedure, especially where infringement procedures are concerned.

Correct application of legislation: Members considered that the large number of infringement procedures shows that ensuring the timely and correct application of EU legislation in Member States remains a serious challenge and priority. They noted the following in particular:

- the number of new complaints is at its highest since 2011, representing a 67.5% increase over the past year, with a record number of 3 783 new complaints and a decrease in rates of resolution, and, in addition, 1 657 infringement cases remained open at the end of 2016,
- 95 infringement cases are still open after a Court ruling, mainly in the areas of employment and justice and consumers which are the most affected, followed by the internal market, industry, entrepreneurship and SMEs, taxation and customs, and the environment;

- most EU Pilot files that have led to formal infringement procedures mainly concerned policy areas pertaining to the environment, the internal market, industry, entrepreneurship and SMEs, energy, and taxation and customs;
- there are still significant shortcomings in the implementation and enforcement of EU environmental legislation in some Member States, particularly in the areas of waste management, waste water treatment infrastructure and compliance with air quality limit values;
- there were 70 directives to transpose in 2016, up from 56 in 2015, while the number of new infringements for late transposition has increased significantly.

Members recommended:

- applying and implementing Union law so that the policies proposed by the Union can give full meaning to the principle of equality between men and women;
- upholding the values and fundamental rights enshrined in the Treaties and the Charter of Fundamental Rights of the European Union.

The Commission was called upon, inter alia, to:

- address the gaps in the implementation and enforcement of EU environmental legislation, including the use of infringement procedures where necessary;
- submit a proposal for the conclusion of a Union pact for democracy, the rule of law and fundamental rights;
- develop tools designed to help Member States detect transposition problems, resolve them at an early stage of infringement proceedings and find common solutions;
- make use of regulations as far as possible whenever it considers issuing legislative proposals in order to mitigate the risk of over-regulation;
- pay particular attention to the implementation of measures adopted in the area of asylum and migration, so as to ensure that they comply with the principles enshrined in the Charter of Fundamental Rights;
- respond effectively to developments in migration and security and enforce the European Agenda on Migration and the accompanying implementing measures.

Parliament recalled that preliminary rulings help clarify the manner in which the law of the European Union is to be applied. It encouraged national courts, in the event of doubt, to refer questions to the CJEU and thereby prevent infringement proceedings.

Lastly, Members called for the European Parliament to be given basic control over major decisions affecting the EU, the Member States and its people, such as decisions on national budgets and reforms.

## Monitoring the application of EU law 2016

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The European Parliament adopted by 359 votes to 110, with 21 abstentions, a resolution on monitoring the application of EU law in 2016.

Members welcomed the Commissions 2016 Annual Report on monitoring the application of EU law, and noted that, according to this report, the four fields in which the greatest numbers of transposition infringement proceedings were opened against Member States in 2016 were the environment, justice and consumers, taxation, and the internal market.

Parliament supported the efforts to resolve implementation problems informally. It called on the Commission to improve the EU Pilot problem-solving system, which aims for closer and more coherent cooperation between the Commission and the Member States so as to remedy breaches of EU law at an early stage through bilateral dialogue in order, wherever possible, to avert the need to resort to formal infringement proceedings.

Petitions: Parliament underlined the importance of petitions as a means for citizens and residents to feel involved in the activities of the Union and to express their concerns about instances of misapplication or violation of EU law and on potential lacunae. It called on the Commission to improve its handling of petitions and asked it to provide information on the number of petitions that led to the opening of infringement proceedings.

Members called on the Commission to share with Parliament information on all EU Pilots opened and infringement procedures initiated in order to improve transparency, reduce the time frame for dispute settlement through the Committee on Petitions, and enhance the legitimacy of the EU Pilot procedure, especially where infringement procedures are concerned.

Correct application of legislation: concerned about the increase in the total number of infringement cases opened in 2016, Members considered that the large number of infringement procedures shows that ensuring the timely and correct application of EU legislation in Member States remains a serious challenge and priority. They noted the following in particular:

- the number of new complaints is at its highest since 2011, representing a 67.5% increase over the past year, with a record number of 3 783 new complaints and a decrease in rates of resolution, and, in addition, 1 657 infringement cases remained open at the end of 2016,
- 95 infringement cases are still open after a Court ruling, mainly in the areas of employment and justice and consumers which are the most affected, followed by the internal market, industry, entrepreneurship and SMEs, taxation and customs, and the environment;
- most EU Pilot files that have led to formal infringement procedures mainly concerned policy areas pertaining to the environment, the internal market, industry, entrepreneurship and SMEs, energy, and taxation and customs;
- there are still significant shortcomings in the implementation and enforcement of EU environmental legislation in some Member States, particularly in the areas of waste management, waste water treatment infrastructure and compliance with air quality limit values;
- there were 70 directives to transpose in 2016, up from 56 in 2015, while the number of new infringements for late transposition has increased significantly.

Parliament recommended:

- applying and implementing Union law so that the policies proposed by the Union can give full meaning to the principle of equality between men and women, in particular by ensuring the implementation of the provisions relating to equality in terms of payment;
- upholding the values and fundamental rights enshrined in the Treaties and the Charter of Fundamental Rights of the European Union.

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- guaranteeing Union citizens sufficient and easy access to the drafts of the legal acts which concern them and informing them in a clear, accessible and transparent manner whether and which national laws have been adopted in transposition of EU laws,

The Commission was called upon, inter alia, to:

- develop a framework for the proper implementation of Union legislation specifically dedicated to fair and balanced development, employment, social affairs and inclusion affairs in relation to the European Pillar of Social Rights;
- address the gaps in the implementation and enforcement of EU environmental legislation, including the use of infringement procedures where necessary;
- submit a proposal for the conclusion of a Union pact for democracy, the rule of law and fundamental rights;
- develop tools designed to help Member States detect transposition problems, resolve them at an early stage of infringement proceedings and find common solutions;
- make use of regulations as far as possible whenever it considers issuing legislative proposals in order to mitigate the risk of over-regulation;
- agree on more realistic timelines for the implementation of regulations and directives;
- pay particular attention to the implementation of measures adopted in the area of asylum and migration, so as to ensure that they comply with the principles enshrined in the Charter of Fundamental Rights;
- respond effectively to developments in migration and security and enforce the European Agenda on Migration and the accompanying implementing measures.

Parliament recalled that preliminary rulings help clarify the manner in which the law of the European Union is to be applied. It called on the Commission to follow the fulfilment of the obligation of national courts to seek a preliminary ruling by the European Court of Justice. It encouraged national courts, in the event of doubt, to refer questions to the CJEU and thereby prevent infringement proceedings.

Lastly, Members emphasised that codifying rules of good administration in the form of a regulation setting out the various aspects of the administrative procedure including notifications, binding time limits, the right to be heard and the right for every person to have access to his or her file is tantamount to reinforcing citizens rights and transparency.