










Procedure file

Basic information		
INI - Own-initiative procedure	2023/2080(INI)	Procedure completed
Monitoring the application of European Union Law in 2020, 2021 and 2022		
Subject 8.50.01 Implementation of EU law		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs	 RINZEMA Catharina	19/07/2023
		Shadow rapporteur	
		 CHINNICI Caterina	
		 LEITÃO-MARQUES Maria-Manuel	
	Committee for opinion	Rapporteur for opinion	Appointed
 Constitutional Affairs	Chair on behalf of committee	25/05/2023	
	 DE MEO Salvatore		
 Petitions		03/07/2023	
	 VINCZE Loránt		

Key events			
15/06/2023	Committee referral announced in Parliament		
24/10/2023	Vote in committee		
31/10/2023	Committee report tabled for plenary	A9-0328/2023	Summary
23/11/2023	Results of vote in Parliament		
23/11/2023	Decision by Parliament	T9-0443/2023	Summary

Technical information	
Procedure reference	2023/2080(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/9/12222

Documentation gateway					
Committee draft report		PE751.789	07/09/2023	EP	
Specific opinion	AFCO	PE752.658	21/09/2023	EP	
Specific opinion	PETI	PE751.892	22/09/2023	EP	
Amendments tabled in committee		PE753.690	27/09/2023	EP	
Committee report tabled for plenary, single reading		A9-0328/2023	31/10/2023	EP	Summary
Text adopted by Parliament, single reading		T9-0443/2023	23/11/2023	EP	Summary
Commission response to text adopted in plenary		SP(2024)58	22/03/2024	EC	

Monitoring the application of European Union Law in 2020, 2021 and 2022

The Committee on Legal Affairs adopted the report by Catharina RINZEMA (Renew, NL) on monitoring the application of European Union Law in 2020, 2021 and 2022.

Members welcomed the Commissions 2020, 2021 and 2022 reports on monitoring the application of EU law. They noted that almost half of the infringement procedures launched by the Commission for the wrongful application of EU law or the non-conformity of national rules with EU law pertain to the environment, employment, transport and mobility or the single market.

Monitoring and application of EU law

Members noted that the total of new infringement actions taken by the Commission fell from 903 cases in 2020 to 551 in 2022. They stressed that the total infringement actions in relation to the single market excluding case closures is worryingly lower than under the previous Commission terms. The report noted that this has to do with the COVID-19 pandemic and the lower number of legislative instruments adopted, as most infringement cases are linked to late transposition.

The Commission is called on to further clarify how it prioritises serious breaches of EU law and to provide legal clarification on key concepts related to its monitoring action on the enforcement of EU law. It is recommended that the Commission shortens the dialogue period, minimises and clarifies the time frame for infringement procedures.

Concerning the rule of law, Members emphasised concern regarding the number of infringement cases related to this. They stressed the need to strengthen the mechanisms aimed at ensuring respect for the rule of law. Moreover, they reiterated their call on the Commission and the Council to immediately enter into negotiations with Parliament concerning the establishment of an EU mechanism on democracy, the rule of law and fundamental rights, to be governed by an interinstitutional agreement pursuant to Article 295 TFEU, including an annual monitoring cycle on Union values, covering all aspects of Article 2 TEU.

The report also expressed concern about the huge number of ongoing infringement procedures with no referral to the CJEU of the Member States concerned.

Harmonising the implementation of EU law

The Commission and the Member States are called on to act jointly and consistently in order to avoid problems related to gold-plating. While avoiding additional unnecessary administrative burdens, Member States should not be prevented from maintaining or taking more ambitious measures and adopting higher social, environmental and consumer protection standards in cases where only minimum standards have been defined by Union law.

The report noted that, in order to reduce the problems related to transposition at national level, Parliament, the Council and the Commission should, when permitted by the Treaties, favour the legal form of regulations as opposed to directives and focus on adopting EU legislation drafted using the principles of legal clarity, simplification, transparency and legal certainty, with a view to being easily transposable and having a specific European added value. Members regretted that, all too often, EU law-making resorts to ambiguous compromises between the three institutions.

Members stressed that the lack of a coherent and comprehensive set of codified rules on good administration applicable across the Union makes it difficult for citizens and businesses to easily and fully understand their rights under Union law. They emphasised, therefore, that

codifying the rules on good administration as a regulation setting out the various aspects of administrative procedures including notifications, binding time limits, the right to be heard and the right for every person to have access to their file would be tantamount to reinforcing citizens rights and transparency.

Lastly, Members noted with concern that the average transposition time in the EU has increased, with directives in 2019 taking an average of three months longer to be transposed into national legislation than in 2018.

Monitoring the application of European Union Law in 2020, 2021 and 2022

The European Parliament adopted by 372 votes to 107, with 33 abstentions, a resolution on monitoring the application of European Union Law in 2020, 2021 and 2022.

Members welcomed the Commissions 2020, 2021 and 2022 reports on monitoring the application of EU law. They noted that almost half of the infringement procedures launched by the Commission for the wrongful application of EU law or the non-conformity of national rules with EU law pertain to the environment, employment, transport and mobility or the single market.

Monitoring and application of EU law

Members noted that the total of new infringement actions taken by the Commission fell from 903 cases in 2020 to 551 in 2022. They stressed that the total infringement actions in relation to the single market excluding case closures is worryingly lower than under the previous Commission terms. The resolution noted that this has to do with the COVID-19 pandemic and the lower number of legislative instruments adopted, as most infringement cases are linked to late transposition.

The Commission is called on to further clarify how it prioritises serious breaches of EU law and to provide legal clarification on key concepts related to its monitoring action on the enforcement of EU law. It is recommended that the Commission shortens the dialogue period, minimises and clarifies the time frame for infringement procedures.

Concerned about the huge number of ongoing infringement procedures, Parliament stressed the need to strengthen the mechanisms aimed at ensuring respect for the rule of law. It reiterated its call on the Commission and the Council to immediately enter into negotiations with Parliament concerning the establishment of an EU mechanism on democracy, the rule of law and fundamental rights, to be governed by an interinstitutional agreement.

Members expressed concern at the serious gaps in the application of EU energy and environmental laws. They pointed, in particular, to the transposition shortcomings in numerous Member States identified by the Commission in relation to the Energy Performance of Buildings Directive, the Energy Efficiency Directive, the Renewable Energy Directive, and the Single-Use Plastics Directive. Member States are urged to correctly transpose this legislation.

Harmonising the implementation of EU law

The Commission and the Member States are called on to act jointly and consistently in order to avoid problems related to gold-plating. While additional unnecessary administrative burdens should be avoided, particularly for SMEs, and should even be decreased in order to prevent fragmentation of the single market, Member States should not be prevented from maintaining or taking more ambitious measures and adopting higher social, environmental and consumer protection standards in cases where only minimum standards have been defined by Union law.

The resolution noted that, in order to reduce the problems related to transposition at national level, Parliament, the Council and the Commission should, when permitted by the Treaties, favour the legal form of regulations as opposed to directives and focus on adopting EU legislation drafted using the principles of legal clarity, simplification, transparency and legal certainty, with a view to being easily transposable and having a specific European added value.

Members emphasised that codifying the rules on good administration as a regulation setting out the various aspects of administrative procedures including notifications, binding time limits, the right to be heard and the right for every person to have access to their file would be tantamount to reinforcing citizens rights and transparency.

Lastly, Members noted with concern that the average transposition time in the EU has increased, with directives in 2019 taking an average of three months longer to be transposed into national legislation than in 2018.