



EUROPEAN PARLIAMENT

2014-2019

Committee on Constitutional Affairs

2014/2253(INI)

7.5.2015

AMENDMENTS

1 - 32

Draft opinion
Fabio Massimo Castaldo
(PE552.097v01-00)

on the 30th and 31st annual reports on monitoring the application of EU Law
(2012-2013)
(2014/2253(INI))

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PE557.146v01-00

EN

United in diversity

EN

Amendment 1

Sylvie Goulard, Maite Pagazaurtundúa Ruiz, Charles Goerens

Draft opinion

Paragraph -1 (new)

Draft opinion

Amendment

-1. Whereas in line with the Joint Political Declaration of 28 September 2011 of the European Parliament, the Council and the Commission on explanatory documents^{1 a} the Commission has reported to the two legislators on its implementation;

^{1 a} *OJ C 369, 17.12.2011, p. 14*

Or. en

Amendment 2

Marcus Pretzell

Draft opinion

Paragraph 1

Draft opinion

Amendment

1. Points out that in a European Union founded on the rule of law and on the certainty and predictability of laws, EU citizens must be the first to be made aware in a clear, transparent and timely manner (including via the internet) whether and which national laws have been adopted in transposition of EU laws, and which national authorities are responsible for ensuring they are correctly implemented;

1. Points out that in a European Union founded on the rule of law and on the certainty and predictability of laws, EU citizens must be the first to be made aware in a clear, transparent and timely manner (including via the internet) whether and ***how their national parliaments have significantly been involved in these decisions by also having had the opportunity to vote following the basic principle of subsidiarity, whether and*** which national laws have been adopted in transposition of EU laws, ***whether and which nationally existing laws may be curtailed*** and which national authorities are responsible for ***rejecting their***

implementation and/or ensuring they are correctly implemented;

Or. en

Amendment 3
Andrej Plenković

Draft opinion
Paragraph 1

Draft opinion

1. Points out that in a European Union founded on the rule of law and on the certainty and predictability of laws, EU citizens must be the first to be made aware in a clear, transparent and timely manner (including via the internet) whether and which national laws have been adopted in transposition of EU laws, and which national authorities are responsible for ensuring they are correctly implemented;

Amendment

1. Points out that in a European Union founded on the rule of law and on the certainty and predictability of laws, EU citizens must be the first to be made aware in a clear, transparent and timely manner (including via the internet) whether and which national laws have been adopted in transposition of EU laws, and which national authorities are responsible for ensuring they are correctly implemented; ***points to the need to further intensify cooperation between the European Parliament (and its Members) and the national parliaments with the aid of the European affairs committees that keep the transposition of EU legislation into national legal systems permanently under review; maintains that EU law has to be transposed properly and promptly into the legal order of each Member State so as to avoid unnecessary delay and infringement proceedings;***

Or. hr

Amendment 4
Enrique Guerrero Salom

Draft opinion
Paragraph 1

Draft opinion

1. Points out that in a European Union founded on the rule of law and on the certainty and predictability of laws, EU citizens ***must be the first*** to be made aware in a clear, transparent and timely manner (including via the internet) whether and which national laws have been adopted in transposition of EU laws, and which national authorities are responsible for ensuring they are correctly implemented;

Amendment

1. Points out that in a European Union founded on the rule of law and on the certainty and predictability of laws, EU citizens ***have the right*** to be made aware in a clear, transparent and timely manner (including via the internet) whether and which national laws have been adopted in transposition of EU laws, and which national authorities are responsible for ensuring they are correctly implemented;

Or. es

Amendment 5
Ivan Jakovčić

Draft opinion
Paragraph 1

Draft opinion

1. Points out that in a European Union founded on the rule of law and on the certainty and predictability of laws, EU citizens must be the first to be made aware in a clear, transparent and timely manner (including via the internet) whether and which national laws have been adopted in transposition of EU laws, and which national authorities are responsible for ensuring they are correctly implemented;

Amendment

1. Points out that in a European Union founded on the rule of law and on the certainty and predictability of laws, EU citizens must be the first to be made aware in a clear, ***accessible***, transparent and timely manner (including via the internet) whether and which national laws have been adopted in transposition of EU laws, and which national authorities are responsible for ensuring they are correctly implemented;

Or. hr

Amendment 6
Aldo Patriciello

Draft opinion
Paragraph 1

Draft opinion

1. Points out that in a European Union

Amendment

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founded on the rule of law and on the certainty and predictability of laws, EU citizens must be the first to be made aware in a clear, transparent and timely manner (*including via* the internet) whether and which national laws have been adopted in transposition of EU laws, and which national authorities are responsible for ensuring they are correctly implemented;

founded on the rule of law and on the certainty and predictability of laws, EU citizens must be the first to be made aware in a clear, transparent and timely manner (*by* the internet *and other means*) whether and which national laws have been adopted in transposition of EU laws, and which national authorities are responsible for ensuring they are correctly implemented;

Or. it

Amendment 7
György Schöpflin

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. The coherence of European Union legislation is inherently desirable, hence member state authorities are urged to avoid the practice of ‘goldplating’, as this often gives rise to marked divergences in the implementation process at the member state level and that, in turn, weakens respect for European Union legislation as citizens become aware of noteworthy variations across the EU;

Or. en

Amendment 8
Marcus Pretzell

Draft opinion
Paragraph 1 – point a (new)

Draft opinion

Amendment

(a) Following the ideas of subsidiarity as well as direct democracy, both, national parliaments and a majority of people expressing their democratic will in a referendum, may that be on national,

regional or other level, should be also able to wield power, even if this leads to a rejection of EU law proposals.

Or. en

Amendment 9
Marcus Pretzell

Draft opinion
Paragraph 2

Draft opinion

2. Welcomes the introduction of the EU Pilot mechanism which, via its online platform, facilitates communication between the Commission and Member States so as to ***avoid infringement proceedings*** being initiated wherever possible, but reminds the Commission that this system must not in any way undermine the rights of EU citizens under the rule of ***law*** or serve to justify direct or indirect discrimination within the meaning of Article 9 TEU, and calls on the Commission to itself inform citizens in an appropriate and timely manner on the follow-up given to their reports of potential non-compliance;

Amendment

2. Welcomes the introduction of the EU Pilot mechanism which, via its online platform, ***strictly obeying most stringent national laws on data protection existing across the individual EU Member States***, facilitates communication between the Commission and Member States so as to ***provide transparent information throughout the whole process of generating and implementing EU-law***, being initiated wherever possible, but reminds the Commission that this system must not in any way undermine the rights of EU citizens under the rule of ***national or other law in function*** or serve to justify direct or indirect discrimination within the meaning of Article 9 TEU, and calls on the Commission to itself inform citizens in an appropriate and timely manner on the follow-up given to their reports of potential non-compliance;

Or. en

Amendment 10
Maite Pagazaurtundúa Ruiz, Charles Goerens

Draft opinion
Paragraph 2

Draft opinion

2. Welcomes the introduction of the EU Pilot mechanism which, via its online platform, facilitates communication between the Commission and Member States so as to **avoid** infringement proceedings being initiated wherever possible, but reminds the Commission that this **system must not in any way undermine the rights of EU citizens under the rule of law or serve to justify direct or indirect discrimination within the meaning of Article 9 TEU**, and calls on the Commission to itself inform citizens in an appropriate and timely manner on the **follow-up** given to their reports of potential **non-compliance**;

Amendment

2. Welcomes the introduction of the EU Pilot mechanism which, via its online platform, facilitates communication between the Commission and Member States so as to **prevent dysfunctions and** infringement proceedings **from** being initiated wherever possible, but reminds the Commission that this **lack of transparency in the content of the communications and exchanges of information with the Member States must not in any way undermine the rights of EU citizens under the rule of law, and therefore** calls on the Commission to itself inform citizens in an appropriate and timely manner **of the status of the consultations and** on the **follow-up** given to their reports of potential **non-compliance**;

Or. en

Amendment 11
Enrique Guerrero Salom

Draft opinion
Paragraph 2

Draft opinion

2. Welcomes the introduction of the EU Pilot mechanism which, via its online platform, facilitates communication between the Commission and Member States so as to avoid infringement proceedings **being** initiated **wherever possible, but** reminds the Commission that this system must not in any way undermine the rights of EU citizens under the rule of law or serve to justify direct or indirect discrimination within the meaning of Article 9 TEU, and calls on the Commission to itself inform citizens in an appropriate and timely manner on the

Amendment

2. Welcomes the introduction of the EU Pilot mechanism which, via its online platform, **and with the involvement of citizens, civil society and the European Parliament itself**, facilitates communication between the Commission and Member States so as to avoid, **where possible, the need for** infringement proceedings **to be** initiated; reminds the Commission that this **is a cooperative instrument rather than a proxy one, meaning that this** system must not in any way undermine the rights of EU citizens under the rule of law or serve to justify

follow-up given to their reports of potential non-compliance;

direct or indirect discrimination within the meaning of Article 9 TEU, and calls on the Commission to itself inform citizens in an appropriate and timely manner on the follow-up given to their reports of potential non-compliance;

Or. es

Amendment 12

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 2

Draft opinion

2. **Welcomes** the introduction of the EU Pilot mechanism which, via its online platform, facilitates communication between the Commission and Member States so as to avoid infringement proceedings being initiated wherever possible, but reminds the Commission that this system must not in any way undermine the rights of EU citizens under the rule of law or serve to justify direct or indirect discrimination within the meaning of Article 9 TEU, and calls on the Commission to itself inform citizens in an appropriate and timely manner on the follow-up given to their reports of potential non-compliance;

Amendment

2. **Notes** the introduction of the EU Pilot mechanism which, via its online platform, facilitates communication between the Commission and Member States so as to avoid infringement proceedings being initiated wherever possible, but reminds the Commission that this system must not in any way undermine the rights of EU citizens under the rule of law or serve to justify direct or indirect discrimination within the meaning of Article 9 TEU, and calls on the Commission to itself inform citizens in an appropriate and timely manner on the follow-up given to their reports of potential non-compliance;

Or. en

Amendment 13

György Schöpflin

Draft opinion

Paragraph 2

Draft opinion

2. Welcomes the introduction of the EU Pilot mechanism which, via its online platform, facilitates communication between the Commission and Member States so as to avoid infringement proceedings being initiated wherever possible, but reminds the Commission that this system must not in any way undermine the rights of EU citizens under the rule of law or serve to justify direct or indirect discrimination within the meaning of Article 9 TEU, and calls on the Commission to itself inform citizens in an appropriate and timely manner on the follow-up given to their reports of potential non-compliance;

Amendment

2. Welcomes the introduction of the EU Pilot mechanism which, via its online platform, facilitates communication between the Commission and Member States so as to avoid infringement proceedings being initiated wherever possible, but reminds the Commission that this system must not in any way undermine the rights of EU citizens under the rule of law or serve to justify direct or indirect discrimination within the meaning of Article 9 TEU, and calls on the Commission to itself inform citizens in an appropriate, ***comprehensible*** and timely manner on the follow-up given to their reports of potential non-compliance;

Or. en

Amendment 14

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 2 a (new)

Draft opinion

Amendment

2a. Points out that EU Pilot is a working tool that has no legal status and that allows a discretionary power to the Commission that does not comply with the proper standards of transparency and accountability; considers that these shortcomings can be addressed through the adoption of a legally binding act that should clarify the legal rights and obligations of individual complainants and the Commission;

Or. en

Amendment 15

Sylvie Goulard, Maite Pagazaurtundúa Ruiz, Charles Goerens

Draft opinion

Paragraph 2 a (new)

Draft opinion

Amendment

2a. Welcomes the new practice whereby the Commission can ask the Member States, in justified cases, to include explanatory documents when they notify the Commission of their transposition measures; reiterates, however, its call for mandatory correlation tables on the transposition of Directives;

Or. en

Amendment 16

Sylvie Goulard, Maite Pagazaurtundúa Ruiz, Charles Goerens

Draft opinion

Paragraph 2 b (new)

Draft opinion

Amendment

2b. Insists that these explanatory documents need to be publicly available in all EU languages;

Or. en

Amendment 17

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 2 b (new)

Draft opinion

Amendment

2b. Recalls that the European Parliament, in its resolutions, called on the

Commission to propose binding rules in the form of a regulation; deplores that no follow-up has been made to these resolutions and calls, therefore, once again on the Commission to propose a legal act in the form of a regulation under the legal basis of Article 298 TFEU, so as to ensure full respect for citizens' right to good administration as set out in Article 41 of the Charter of Fundamental Rights;

Or. en

Amendment 18
Enrique Guerrero Salom

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Warmly welcomes the innovation in the Lisbon Treaty under which the Commission will be able to impose penalties on Member States for late transposition without needing to wait for an initial ruling;

Or. es

Amendment 19
Enrique Guerrero Salom

Draft opinion
Paragraph 3

Draft opinion

Amendment

3. Deplores the fact that the European Parliament, which *is now a fully-fledged co-legislator and an institution directly representing the citizens*, does not yet receive transparent and timely information on the implementation of EU laws, when

3. Deplores the fact that the European Parliament, which *directly represents European citizens and fully co-legislates, being increasingly closely involved in complaints procedures, in particular via parliamentary questions or through the*

such information is essential, including for purposes of adopting amendments aimed at improving those laws;

activities of the Committee on Petitions, does not yet *automatically* receive transparent and timely information on the implementation of EU laws, when such information is essential, including for purposes of adopting amendments aimed at improving those laws;

Or. es

Amendment 20

Maite Pagazaurtundúa Ruiz, Charles Goerens, Sylvie Goulard

Draft opinion

Paragraph 3

Draft opinion

3. Deplores the fact that the European Parliament, which is now a fully-fledged co-legislator and an institution directly representing the citizens, does not yet receive transparent and timely information on the implementation of EU laws, when such information is essential, *including* for purposes of adopting amendments aimed at improving those laws;

Amendment

3. Deplores the fact that the European Parliament, which is now a fully-fledged co-legislator and an institution directly representing the citizens, does not yet receive transparent and timely information on the implementation of EU laws, when such information is essential *not only to enhance the accessibility and the legal certainty of the European citizens, but also* for purposes of adopting amendments aimed at improving those laws;

Or. en

Amendment 21

Marcus Pretzell

Draft opinion

Paragraph 3

Draft opinion

3. Deplores the fact that the European Parliament, which is now a fully-fledged co-legislator and an institution directly representing the citizens, does not yet

Amendment

3. Deplores the fact that the European Parliament, which is now a fully-fledged co-legislator and an institution directly representing the citizens, does not yet

receive transparent and timely information on the implementation of EU laws, when such information is essential, including for purposes of adopting amendments aimed at improving those laws;

receive transparent and timely information on the implementation of EU laws, when such information is essential, including for purposes of adopting amendments aimed at improving those laws *especially as far as consensus or opposition to existing national law is concerned*;

Or. en

Amendment 22
György Schöpflin

Draft opinion
Paragraph 3

Draft opinion

3. Deplores the fact that the European Parliament, which is now a fully- fledged co-legislator and an institution directly representing the citizens, does not yet receive transparent and timely information on the implementation of EU laws, when such information is essential, including for purposes of adopting amendments aimed at improving those laws;

Amendment

3. Deplores the fact that the European Parliament, which is now a fully- fledged co-legislator and an institution directly representing the citizens, does not yet receive transparent and timely information on the implementation of EU laws, when such information is essential, including for purposes of adopting amendments aimed at improving those laws; *improved communication between the European Parliament and national parliaments could be a helpful step in this regard*;

Or. en

Amendment 23
Enrique Guerrero Salom

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Regrets the fact that REFIT was the result of a unilateral decision by the Commission, with no real social and

parliamentary dialogue;

Or. es

Amendment 24

Maite Pagazaurtundúa Ruiz, Charles Goerens, Sylvie Goulard

Draft opinion

Paragraph 3 a (new)

Draft opinion

Amendment

3a. Stresses that the enhanced transparency of the EU could boost the participation of the EU nationals in the new framework of the European Citizens' Initiative (ECI);

Or. en

Amendment 25

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 3 a (new)

Draft opinion

Amendment

3a. Recalls that, in the revised Framework Agreement on relations with Parliament, the Commission undertakes to 'make available to Parliament summary information concerning all infringement procedures from the letter of formal notice, included, if so requested, on the issues to which the infringement procedure relates', and expects this clause to be applied in good faith in practice;

Or. en

Amendment 26
Kazimierz Michał Ujazdowski

Draft opinion
Paragraph 4

Draft opinion

4. Calls for the creation within the relevant Directorates-General (DG IPOL, DG EXPO and DG Research) of an autonomous system for ex-post assessment of the impact of the main EU laws adopted by the European Parliament under codecision and in accordance with the ordinary legislative procedure, including via cooperation with the national parliaments.

Amendment

4. Calls for the creation within the relevant Directorates-General (DG IPOL, DG EXPO and DG Research) of an autonomous system for ex-post assessment of the impact of the main EU laws adopted by the European Parliament under codecision and in accordance with the ordinary legislative procedure, including via cooperation with the national parliaments; ***points out that in order to establish an efficient system to assess the implementation of directives, effective cooperation between the EU institutions needs to be set up.***

Or. pl

Amendment 27
Marcus Pretzell

Draft opinion
Paragraph 4

Draft opinion

4. Calls for the creation within the relevant Directorates-General (DG IPOL, DG EXPO and DG Research) of an autonomous system for ex-post assessment of the impact of the main EU laws adopted by the European Parliament under codecision and in accordance with the ordinary legislative procedure, including via cooperation with the national parliaments.

Amendment

4. Calls for the creation within the relevant Directorates-General (DG IPOL, DG EXPO and DG Research) of an autonomous system for ex-post assessment of the impact of the main EU laws adopted by the European Parliament under codecision and in accordance with the ordinary legislative procedure, including via cooperation with the national parliaments ***and potential national referenda.***

Or. en

Amendment 28
Kazimierz Michał Ujazdowski

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Emphasises that the European Parliament and other EU institutions should be in possession of detailed information on the implementation of directives by individual Member States, including information on delays in transposing them into national legislation.

Or. pl

Amendment 29
Enrique Guerrero Salom

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Given the fact that the persistent delay in the transposition of directives is hindering the development of citizens' rights, calls for the creation of a mechanism to prioritise the infringements that pose the greatest risks and have the greatest impact on citizens and businesses.

Or. es

Amendment 30
Enrique Guerrero Salom

Draft opinion
Paragraph 4 b (new)

Draft opinion

Amendment

4b. Emphasises that a certain degree of

homogeneity is needed with regard to the transposition of legislation, without prejudice to the time required for the application thereof.

Or. es

Amendment 31
Enrique Guerrero Salom

Draft opinion
Paragraph 4 c (new)

Draft opinion

Amendment

4c. Calls for a higher degree of cooperation between the Commission, the Member States, the European Parliament and the national parliaments.

Or. es

Amendment 32
Enrique Guerrero Salom

Draft opinion
Paragraph 4 d (new)

Draft opinion

Amendment

4d. Calls for the legal status of ‘EU Pilot’ acts to be defined in order to guarantee the citizens’ right to an effective remedy, including at the pre-litigation stage.

Or. es