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*Plenary sitting*

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**A9-0328/2023**

31.10.2023

# **REPORT**

on monitoring the application of European Union Law in 2020, 2021 and 2022  
(2023/2080(INI))

Committee on Legal Affairs

Rapporteur: Catharina Rinzema

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on monitoring the application of European Union Law in 2020, 2021 and 2022 (2023/2080(INI))

*The European Parliament,*

- having regard to the Treaty on European Union (TEU), in particular Articles 2 and 3 thereof,
  - having regard to the Commission’s 2020, 2021 and 2022 annual reports on monitoring the application of EU law of 23 July 2021 (COM(2021)0432), 15 July 2022 (COM(2022)0344) and 14 July 2023 (COM(2023)0453) respectively,
  - having regard to its resolution of 9 June 2016 for an open, efficient and independent European Union administration<sup>1</sup>,
  - having regard to its resolution of 7 July 2022 entitled ‘Better regulation: Joining forces to make better laws’<sup>2</sup>,
  - having regard to its resolution of 20 January 2021 on monitoring the application of Union law 2017, 2018 and 2019<sup>3</sup>,
  - having regard to the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 13 April 2016 on Better Law-Making<sup>4</sup>,
  - having regard to Rule 54 of its Rules of Procedure,
  - having regard to the letters from the Committee on Constitutional Affairs and the Committee on Petitions,
  - having regard to the report of the Committee on Legal Affairs (A9-0328/2023),
- A. whereas pursuant to Article 4(3) TEU and Articles 288(3) and 291(1) of the Treaty on the Functioning of the European Union (TFEU), the Member States have the primary responsibility for transposing, applying and implementing EU law correctly, harmoniously and within the set time limits; whereas EU legislation should be formulated in a way that facilitates its transposition into national law;
- B. whereas the number of single market infringement cases fell steeply by 80 % between 2020 and 2022; whereas without oversight and effective and efficient enforcement by the Commission, cross-border business and the free movement of people, goods, capital and services in the EU could be gravely hampered; whereas the Commission should take enforcement actions to guarantee all rights under EU law, particularly human

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<sup>1</sup> OJ C 86, 6.3.2018, p. 126.

<sup>2</sup> OJ C 47, 7.2.2023, p. 250.

<sup>3</sup> OJ C 456, 10.11.2021, p. 56.

<sup>4</sup> OJ L 123, 12.5.2016, p. 1.

rights, the environment, and the protection of the rights and freedoms of citizens across the EU;

- C. whereas in 2020, the environment was by far the first policy area in which infringement proceedings were opened, with 236 proceedings; whereas while the number of cases decreased in 2021, the environment was still in third place in terms of the number of new infringement procedures in 2022; whereas in 2020, 2021 and 2022, the environment was also by far the first policy area in terms of infringement cases open at year-end, with 445 cases in 2020, 356 cases in 2021 and 369 cases in 2022;
- D. whereas dialogue with national authorities seems to be the Commission's preferred way to solve infringement procedures, as opposed to bringing Member States before the Court of Justice of the European Union (CJEU), which it sees as a measure of last resort, notably in procedures concerning the violation of the rule of law and the protection of fundamental rights; whereas in 2016, in its work on infringement cases and complaints, the Commission decided to prioritise the most serious breaches of EU law significantly affecting the interests of citizens and businesses; whereas 2017 was the first year in which the Commission applied this new, more targeted approach;
- E. whereas organised crime is a major threat to European security, citizens, businesses and public institutions; whereas monitoring the correct transposition of the anti-money laundering legislation is key to stopping criminals from profiting from the proceeds of their crimes;

#### ***On monitoring and ensuring the application of EU law***

1. Welcomes the Commission's 2020, 2021 and 2022 reports on monitoring the application of EU law; believes that these reports are crucial tools to enable scrutiny of the correct transposition and implementation of EU law and recognises that they enable EU legislators to identify potential issues and to seek remedies; notes 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;
2. Notes that the total of new infringement actions taken by the Commission fell from 903 cases in 2020 to 551 in 2022; stresses that the total infringement actions in relation to the single market – excluding case closures – is worryingly lower than under the previous Commission terms; understands 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; understands also the importance of dialogue between the Commission and the Member States at the pre-litigation stage; considers, however, that relying almost exclusively on dialogue and informal diplomacy can lead to either political horse trading with Member States or to the application of double-standards on the part of the Commission; regrets therefore that the Commission seems reluctant to bring actions against Member States before the CJEU where it is appropriate; calls on the Commission to further clarify how it prioritises serious breaches of EU law and to flesh out its selection criteria, and to provide legal clarification on key concepts related to its monitoring action on the enforcement of EU law such as 'issues of wider principles' and 'systematic failure to enforce EU law';

recommends that the Commission shortens the dialogue period, minimises and clarifies the time frame for infringement procedures, and does not shy away from litigation, which is key to putting an end to violations of EU law by Member States and to ensure the protection of EU citizens, as well as to guarantee regulatory convergence across the single market;

3. Stresses the importance of the rule of law as a precondition for the proper monitoring and application of EU law; emphasises its concern regarding the number of infringement cases related to the rule of law; stresses the need to strengthen the mechanisms aimed at ensuring respect for the rule of law, such as the rule of law report cycle or the Rule of Law Conditionality Regulation<sup>5</sup>, in line with the principles of conferral, subsidiarity and proportionality laid out in Article 5 TEU; reiterates 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 pursuant to Article 295 TFEU, including an annual monitoring cycle on Union values, covering all aspects of Article 2 TEU;
4. Is concerned about the huge number of ongoing infringement procedures kept stalled for many years in the pre-contentious phase by the Commission, with no referral to the CJEU of the Member States concerned, despite their persistent failure to uphold the related EU law or to correctly transpose the provisions of EU laws within their respective national legal systems; notes that the Ombudsman has found that this can in some cases amount to maladministration<sup>6</sup>; calls on the Member States to adopt appropriate coordination mechanisms for the transposition of EU law, enabling the different government services concerned to efficiently cooperate on the adoption of transposition measures;
5. Considers rapid action to put an end to violations of EU law by Member States key for the full protection of citizens' rights, and that this can be achieved by adopting a shorter and clear time frame and strengthening the legal rules on infringement procedures as well as on the referral of a matter to the CJEU in the event of persistent violations of EU law;
6. Highlights that the Commission has a number of tools at its disposal in order to help Member States transpose, apply and implement EU law correctly and on time, including guidance documents, implementation plans, expert groups, explanatory documents, training courses, or workshops; stresses that some of these tools are used as preventive tools, while others can be used in parallel with infringement procedures in order to resolve detected breaches of EU law with the objective of avoiding referrals of the case to the CJEU; invites the Commission, where possible, to provide greater support to the competent national and regional authorities in the process of transposing EU legislation;
7. Strongly believes that the CJEU's judgments must be implemented to the fullest extent by the Member States; underlines that a superficial implementation thereof, followed by the introduction of new laws and policies suffering from the same deficits as identified

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<sup>5</sup> Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget (OJ L 433 I, 22.12.2020, p. 1).

<sup>6</sup> European Ombudsman, Cases 2238/2021/MHZ and 2249/2021/MHZ, Decisions of 16 December 2022.

earlier by the CJEU, must be followed by the launching of infringement procedures;

8. Takes note of the fact that the number of the new EU Pilot cases increased from 212 cases in 2020 to 279 in 2022; notes that out of the 279 cases in 2022, 51 were triggered by complaints and 228 cases were opened by the Commission following own-initiative investigations;
9. Welcomes the creation, in 2020, of the Single Market Enforcement Task Force (SMET), which is made up of relevant national authorities and the Commission; calls for a constant cooperation of the Task Force with the existing SOLVIT system; welcomes the current effort to identify how SMET can help deal with cases involving the misapplication of EU law that SOLVIT has not been able to address; welcomes the ongoing reporting on structural SOLVIT cases that could become SMET projects; calls on the Commission, given that support to the existing SOLVIT system is limited, particularly in cross-border cases in which public authorities breach the rights of citizens and businesses, to assess the possibilities of injunctions that would give legal clarity within three months at Union level, for example at the CJEU, to ensure the correct transposition, application and implementation of EU law in all Member States;
10. Recalls that the EU has set itself the goal to make Europe the first climate-neutral continent by 2050; underlines that, in aiming to achieve the climate objectives, the Governance Regulation<sup>7</sup> required Member States to prepare their first long-term strategies with a perspective of at least 30 years; notes that, in 2022, the Commission launched infringement proceedings against four Member States for failing to notify it of such strategies; calls on the Member States to urgently and duly adopt and implement their long-term strategies;
11. Expresses concern at the serious gaps in the application of EU energy and environmental laws; points, in particular, to the transposition shortcomings in numerous Member States identified by the Commission in relation to the Energy Performance of Buildings Directive<sup>8</sup>, the Energy Efficiency Directive<sup>9</sup>, the Renewable Energy Directive<sup>10</sup>, and the Single-Use Plastics Directive<sup>11</sup>; urges the Member States to correctly transpose this legislation;
12. Is concerned about the serious shortcomings and delays in the application of EU law in

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<sup>7</sup> Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).

<sup>8</sup> Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13).

<sup>9</sup> Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

<sup>10</sup> Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).

<sup>11</sup> Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1).

the field of employment, social affairs and inclusion; notes with concern that, in 2022, the Commission launched infringement proceedings against 19 Member States for failing to fully transpose the Work-Life Balance Directive<sup>12</sup> and against another 19 Member States for failing to transpose EU rules on transparent and predictable working conditions;

13. Stresses the need to enforce EU-level action to combat hate speech and discrimination; welcomes the Commission's efforts to protect LGBTIQ+ people from discrimination, including by referring Hungary to the CJEU over national rules that discriminate against people based on their sexual orientation and gender identity; urges the Member States, particularly Hungary, to ensure that national legislation fully complies with the fundamental rights enshrined in EU law; expresses deep concern that the deterioration of media freedom contributes to an increasing targeting of minorities, including LGBTIQ+ people; welcomes, in this regard, the Commission's efforts to uphold media freedom and pluralism, and its decision to refer Hungary to the CJEU over an alleged violation of the freedom of speech as enshrined in the Charter of Fundamental Rights of the European Union;

#### *On harmonising the implementation of EU law*

14. Calls on the Commission and the Member States to act jointly and consistently in order to avoid problems related to 'gold-plating'; notes that, 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; invites the Commission, in this regard, to support Member States in order to prevent unnecessary gold-plating, including by assessing the necessity, proportionality, and feasibility of such national provisions and whether they interfere with intended policy goals compared to relevant EU legislation and national legislation of other Member States, as well as on the potential effects of such standards on the national business climate, with the goal of preventing competitive disadvantages and ensuring harmonised rules for businesses;
15. Considers 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; regrets that, all too often, EU law-making resorts to ambiguous compromises between the three institutions; stresses that Union law needs to clearly establish the rights and obligations of its addressees, particularly the EU institutions and the Member States;
16. Stresses 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; emphasises, therefore, that

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<sup>12</sup> Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (OJ L 188, 12.7.2019, p. 79).

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; believes that such a regulation would increase the effectiveness, efficiency and capacity of public administrations and services, and, in this regard, respond to the need for investment and reform in the European Union;

17. Calls for the Commission to monitor further the application of EU law and address the anti-competitive effect of territorial supply constraints (TSCs) with a view to achieving a fully functioning single market and harnessing its potential benefits for consumers; reiterates that TSCs can arise through different practices, such as refusing to supply or threatening to stop supplying a particular distributor, limiting the quantities available for sale, the unexplained differentiation of product ranges and prices between Member States, and limiting language options for product packaging;

18. Notes 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;

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19. Instructs its President to forward this resolution to the Council, the Commission, the European Committee of the Regions, the European Economic and Social Committee and the national parliaments of the Member States.



## **EXPLANATORY STATEMENT**

Every year, the Commission publishes a report on monitoring the application of EU law during the preceding year. The report reviews key aspects of the application of EU law by Member States and the Commission's actions to enforce it in the next year. The report sets out the Commission's most important investigations and infringement procedures under the Commission's political priorities and presents infringement cases, EU Pilot processes and complaints by policy area and Member State.

20.09.2023

## LETTER OF THE COMMISSION DES AFFAIRES CONSTITUTIONNELLES

Mr Adrián Vázquez Lázara  
Chair  
Committee on Legal Affairs  
BRUSSELS

Subject: Opinion on Monitoring the application of European Union Law in 2020, 2021 and 2022 (2023/2080(INI))

Dear Mr Chair,

Under the procedure referred to above, the Committee on Constitutional Affairs has been asked to submit an opinion to your committee. At its meeting of 18 July 2023, the committee decided to send the opinion in the form of a letter.

The Committee on Constitutional Affairs considered the matter at its meeting of 20 September 2023. At that meeting<sup>1</sup>, it decided to call on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a European Parliament resolution.

Yours sincerely,

Salvatore De Meo

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<sup>1</sup> The following participated in the final vote: Salvatore De Meo (Chair and rapporteur for opinion).

## SUGGESTIONS

The Committee on Constitutional Affairs:

1. Stresses that, pursuant to Article 2 of the Treaty on European Union (TEU), rule of law is one of our founding values and shall be respected across Member States;
2. Welcomes the reports from the Commission on Monitoring the application of European Union law 2020, 2021 and 2022 and recognises their importance to ensure that EU law is implemented correctly and accordingly to the EU Treaties;
3. Considers such reports essential tools to allow democratic scrutiny and to raise awareness around the correct application of EU law within the Member States; stresses the need to improve this instrument and strengthen the mechanisms aiming at ensuring the respect of the rule of law, such as the rule of law report cycle or the Conditionality Regulation, in line with the principles of conferral, subsidiarity and proportionality laid out in Article 5 of the Treaty on European Union (TEU);
4. Stresses the importance of the rule of law as a precondition for the proper monitoring and application of EU law; emphasises its concern regarding the number of infringement cases related to the rule of law; welcomes the Commission's decision to put forward country-specific recommendations on the rule of law to Member States; restates its support for the establishment of an EU mechanism on democracy, the rule of law and fundamental rights, to be governed by an Interinstitutional agreement between the three institutions, including an annual monitoring cycle on Union values, covering all aspects of Article 2 TEU;
5. Underlines that the Conference on the Future of Europe delivered many recommendations on protecting the rule of law, which should be given follow-up by the European Commission, Council and the European Parliament;
6. Stresses that EU law should be formulated in a clear and understandable way according to the principle of legal certainty; underlines the importance of its correct translation as necessary to proper transposition and implementation of EU legislation; underlines the need for the European Commission to provide further guidance and support to Member States in the transposition of EU legislation; calls on the Commission and Member States to further invest in capacity building and assist candidate countries in their implementation and transposition of current and future EU acquis, including through the training of civil servants.
7. Recalls the principle of transparency enshrined in the EU Treaties, as well as the right of EU citizens to justice and good administration, as stipulated in Articles 41 and 47 of the Charter; points out that those rights and principles require citizens to be given adequate access to drafts of the legal acts that concern them; encourages Member States to be more transparent with the national measures transposing directives and welcomes the fact that 14 Member States agreed to the publication of the text of these measures on EUR-Lex;
8. Emphasises that proper transposition and implementation of Union law, on the basis of Article 197 of the Treaty on the Functioning of the European Union (TFEU), is of

the utmost importance; calls for appropriate ex-ante and ex-post impact assessment of EU law, as set out in the Interinstitutional Agreement (IIA) on Better Law-Making;

9. Notes a decrease of new infringement cases in 2021; deplores, however, that the number of infringement cases remained open at the end of 2021 has increased by 7% from the previous year; notes that according to the breakdown of new infringement cases open in 2021, the main policy areas in which the highest numbers of transposition infringement procedures were opened against Member States were financial stability, financial services and capital markets, justice and consumers, mobility and transport, communications networks and technology, migration and home affairs; calls on the Commission and on national authorities to proactively and comprehensively monitor and enforce the application of EU law in these areas;
10. Notes with concern the persisting upward trend in the use of the EU Pilot mechanism; underlines that this procedure cannot be a substitute for infringement proceedings; calls on the Commission to be more transparent on EU Pilot cases and establish clear criteria for the use of this mechanism;
11. Deplores that some infringement cases are pending for a long period, without any tangible action by the Commission and with no referral to the Court of Justice of the European Union (CJEU) for the concerned Member States; notes that the Ombudsman has found that this can in some cases amount to maladministration;<sup>2</sup>
12. Considers that a rapid action, including the adoption of a shorter and clearer timeframe for infringement procedures, is key to put an end to EU law's violations by Member States and ensure the full protection of EU citizens;
13. Calls on the Commission to put into practice the rules established in its Communication on "Financial sanctions in infringement proceedings" adopted on 4 January 2023, where it has set a target of 12 months to refer infringement cases to the CJEU, if the failure to transpose a directive persists after the deadline set by the Union legislator has expired;
14. Deplores the 21% increase in the number of late transposition infringement cases at the end of 2021, compared to the cases open at the end of 2020; regrets that timely and correct application of EU law remains a matter of concern in a number of Member States and supports the use of financial sanctions under Articles 258 and 260(3) TFEU on the ground that a Member State has failed to turn a directive into national law; recalls that the 1% transposition deficit threshold at present is not sanctioned and calls on the Commission to consider additional levers to ensure the threshold is complied with;
15. Highlights that Member States through the Council of the EU themselves are directly responsible for the drafting and adoption of EU law; points out that national parliaments, and, where relevant, regional parliaments, carry out the subsidiarity screening of EU laws; welcomes their early involvement in the EU decision-making process and underlines the importance of their role in supporting national

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<sup>2</sup> European Ombudsman, Cases 2238/2021/MHZ & 2249/2021/MHZ, Decision of 16 December 2022.

governments to improve the quality and promptness of EU law's implementation; suggests that a stronger coordination between Member States' diplomatic services and the implementing authorities could help improve the implementation and transposition of EU law; calls on Member States to avoid the practice of "gold plating" to minimize incorrect transpositions or delays; notes that existing forms of cooperation with national parliaments, such as inter-parliamentary delegations or procedures involving national parliaments in information-exchange regarding the making and application of Union law could be improved; underlines in this regard also the need to enhance cooperation and involvement of the CoR and the EESC;

16. Calls on Member States, in particular those with a federal state structure, to adopt appropriate coordination mechanisms for transposition of EU law, enabling the different government services concerned to efficiently cooperate in the adoption of transposition measures;
17. Stresses the importance of the CJEU as the sole responsible for ruling on the validity of EU law and ensuring its correct interpretation and application.

21.9.2023

## LETTER OF THE COMMISSION DES PÉTITIONS

Mr Adrián Vázquez Lázara

Chair  
Committee on Legal Affairs  
BRUSSELS

Subject: Opinion on monitoring the application of European Union Law in 2020, 2021 and 2022 (2023/2080(INI))

Dear Mr Chair,

Under the procedure referred to above, the Committee on Petitions has been asked to submit an opinion to your committee. At its meeting of 18 July 2023, the committee decided to send the opinion in the form of a letter.

The Committee on Petitions considered the matter at its meeting of 20 September 2023. At that meeting<sup>1</sup>, it decided to call on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution.

Yours sincerely,

Dolors Montserrat

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<sup>1</sup> The following were present for the final vote : Dolors Montserrat (Chair), Yana Toom (Vice-Chair), Ryszard Czarnecki (Vice-Chair), Loránt Vincze (rapporteur), Asim Ademov, Alexander Bernhuber, Maria Angela Danzi, Francesca Donato, Jarosław Duda, Angel Dzhambazki, Agnès Evren, Gheorghe Falcă, Alexis Georgoulis, Vlad Gheorghe, Peter Jahr, Marina Kaljurand, Cristina Maestre Martín De Almagro, Demetris Papadakis, Anne-Sophie Pelletier, Emil Radev, Massimiliano Smeriglio, Ramona Strugariu, Michal Wiezik, Kosma Złotowski, Tatjana Ždanoka

## SUGGESTIONS

The Committee on Petitions calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Stresses that the right to petition the European Parliament is one of the fundamental rights of EU citizens, that it enables EU citizens and residents to address their elected representatives directly and to participate actively and effectively in the life of the Union; stresses that efforts still need to be stepped up to raise citizens' awareness of their right to petition on subjects which comes within the European Union's fields of activity and which affects them directly; calls therefore for joint efforts to better inform about EU citizenship rights, including the right to petition;
2. Notes that a large number of petitions concern allegations of breaches of EU law; calls on the Commission to step up its efforts to enforce EU law, in particular by increasing infringement actions where Member States are failing to implement EU law;
3. Shares the view that the protection of EU citizenship and related rights is of utmost importance for the EU; reminds that provisions to obtain or lose nationality of a Member State must comply with EU law and jurisdiction of the CJEU; calls on the Commission to ensure that EU citizens can enjoy their rights without any discrimination and in all EU Member States;
4. Considers key for the full protection of citizens' rights a rapid action to put an end to EU law's violations by Member States by adopting a shorter and clear timeframe and strengthening legal rules on infringement procedures as well as on the deferral of a matter to the Court of Justice of the EU in case of persistent violation of EU law;
5. Is concerned about the huge amount of ongoing infringement procedures kept stalled for many years in the pre-contentious phase by the European Commission, with no referral to the CJEU for the concerned Member States, despite their persistent failure to uphold the related EU law or to correctly transpose EU law's provisions within their respective national legal system;
6. Regrets that all Member States after more than 4 years are still lacking to transpose Directive (EU) 2019/882 on the accessibility requirements for products and services, thus preventing millions of persons with disabilities in the EU to draw fully the benefits of this Directive's provisions, aimed at increasing persons with disabilities' active participation in society, including in education and in employment;
7. Calls on the Commission to abide by its own rules established in its Communication on "Financial sanctions in infringement proceedings" adopted on 4 January 2023, where it has itself set a target of 12 months to refer infringement cases to the CJEU, if the failure to transpose a directive persists after the deadline set by the Union legislator has expired, given the stated importance, for citizens and for the credibility of Union law, to ensure its respect by Member States; underlines that the Committee on Petitions over the years received a very large amount of petitions, still open, on these Directives' related-rights filed by citizens of various Member States;

8. Reiterates the strategic relevance of addressing also individual petition issues in order to, *inter alia*, early detect and prevent possible serious systemic shortcomings from occurring; considers key for the correct enforcement of EU law a more timely and proactive dialogue by the Commission with national authorities to tackle potential violations of EU law denounced by petitioners;
9. Asks the Commission for providing legal clarification on key concepts related to its monitoring action on the enforcement of EU law, also regularly used in its follow-up given to petitions, like “issue of wider principles” and “systematic failure to enforce EU law” laid down in its strategic approach enshrined in its October 2022 Commission’s Communication titled "Enforcing EU law for a Europe that delivers", which builds on earlier Communications, in particular the 2016 Communication “EU law: Better results through better application”;
10. Urges the Commission to speed up its work with the Parliament to put in place the necessary technical and budgetary solutions to finalise the implementation of the inter-institutional IT digital tool aimed at sharing, in a transparent and cooperative way, information and documents on follow-up actions taken on petitions, including in the framework of monitoring the application of EU Law;
11. Underlines that an incomplete implementation, followed by the introduction of new laws and policies suffering the same deficits as identified earlier by the CJEU, must be sanctioned through the launching of infringement procedures;
12. Stresses the importance of meeting the expectations of EU citizens as regards the protection of the environment, given in particular the increase in the number of environmental petitions sent to the Commission (from 120 in 2020 to 144 in 2021); welcomes in this respect the actions taken by the Commission in response to specific cases of practices in breach of EU environmental legislation in some Member States;
13. Stresses the need to enforce EU level action to combat hate speech and discrimination; encourages the Commission to protect all vulnerable groups and minorities from discrimination in accordance with the Treaties and fundamental values of the EU;
14. Calls on the Commission to ensure the full implementation and enforcement of anti-discrimination legislation and to launch infringement proceedings against Member States that do not transpose or fully implement EU anti-discrimination legislation;
15. Emphasises the important role of petitions in identifying various forms of infringements of EU law. Recalls that infringements “may be [...] brought to its attention by complaints or petitions from members of the public, businesses, NGOs or other organisations.”<sup>1</sup>; notes that, in the field of transport, a petition on air passengers’ rights to reimbursement or compensation for flight cancellation in COVID-19 times led to a monitoring in all Member States and to the opening of infringement proceedings; encourages in this respect the Commission to conduct thorough investigations of breaches of EU law raised

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<sup>1</sup> Commission’s report on monitoring the application of European Union Law in 2021: [https://commission.europa.eu/system/files/2022-07/2021-swd-annual-report-eulaw-overview\\_en.pdf](https://commission.europa.eu/system/files/2022-07/2021-swd-annual-report-eulaw-overview_en.pdf)



by petitions;

16. Reiterates its call on the Commission and the Council to immediately enter into negotiations with Parliament on an interinstitutional agreement pursuant to Article 295 TFEU to establish an EU mechanism on democracy, the rule of law and fundamental rights;
17. Is worried about the Commission's lack of initiative or effective action to address violations or non-application of Union law in the areas of freedom, security and justice, despite evidence of deteriorating situations in several Member States; is concerned that Parliament's repeated calls for action have gone unanswered;
18. Acknowledges that the Commission gave broader access to information about EU Pilot and formal infringement procedures for complainants but considers that more transparency, legal clarity and access to information on the whole pre-infringement and infringement procedure in the context of the EU Pilot and the annual report on the monitoring of the application of EU law is needed;
19. Notes, in this regard, the Commission's efforts to illustrate the impact of petitions on its enforcement action in a number of policy areas such as the environment, migration, taxation and the energy ; highlights, however, the lack of exact numbers of petitions handled by the Commission and the number that lead to the initiation of EU Pilots and infringement procedures.

## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	24.10.2023
<b>Result of final vote</b>	+: 21 -: 3 0: 1
<b>Members present for the final vote</b>	Pascal Arimont, Geoffroy Didier, Ibán García Del Blanco, Pierre Karleskind, Gilles Lebreton, Maria-Manuel Leitão-Marques, Sabrina Pignedoli, Jiří Pospíšil, Franco Roberti, Raffaele Stancanelli, Adrián Vázquez Lázara, Axel Voss, Marion Walsmann
<b>Substitutes present for the final vote</b>	Alessandra Basso, Caterina Chinnici, Heidi Hautala, Antonius Manders, Catharina Rinzema, Kosma Złotowski
<b>Substitutes under Rule 209(7) present for the final vote</b>	Andrus Ansip, Jonás Fernández, Eider Gardiazabal Rubial, Katrin Langensiepen, Philippe Olivier, Anne-Sophie Pelletier

## VOTE FINAL PAR APPEL NOMINAL EN COMMISSION COMPÉTENTE AU FOND

21	+
ECR	Raffaele Stancanelli, Kosma Złotowski
NI	Sabrina Pignedoli
PPE	Pascal Arimont, Caterina Chinnici, Geoffroy Didier, Antonius Manders, Jiří Pospíšil, Axel Voss, Marion Walsmann
Renew	Andrus Ansip, Pierre Karleskind, Catharina Rinzema, Adrián Vázquez Lázara
S&D	Jonás Fernández, Ibán García Del Blanco, Eider Gardiazabal Rubial, Maria-Manuel Leitão-Marques, Franco Roberti
Verts/ALE	Heidi Hautala, Katrin Langensiepen

3	-
ID	Alessandra Basso, Gilles Lebreton, Philippe Olivier

1	0
The Left	Anne-Sophie Pelletier

Légende des signes utilisés:

+ : pour

- : contre

0 : abstention