AMENDMENTS

1 - 43

Draft opinion
Pedro Silva Pereira
(PE658.830v01-00)

Monitoring the application of European Union law 2017 and 2018 (2019/2132(INI))
AM_Com_NonLegOpinion
Amendment 1
Fabio Massimo Castaldo

Draft opinion
Paragraph 1

Draft opinion

1. Stresses the need to continuously improve the mechanisms designed to ensure that rule-making is in full compliance with the Treaties, notably the principles of conferral, subsidiarity and proportionality, as set out in Article 5 of the Treaty on European Union (TEU);

Amendment

1. Welcomes the Commission reports on monitoring the application of EU law. Stresses that ensuring compliance with the EU law is essential to create a level playing field within the Member States. Believes that the reports are crucial tools to ensure the democratic scrutiny over the correct transposition and implementation of EU law. Considers such monitoring essential to identify risks to the rule of law before they can reach a point where a formal response is required. Stresses the need to continuously improve the mechanisms designed to ensure that rule-making is in full compliance with the Treaties, notably the principles of conferral, subsidiarity and proportionality, as set out in Article 5 of the Treaty on European Union (TEU);

Or. en

Amendment 2
Vladimír Bilčík

Draft opinion
Paragraph 1

Draft opinion

1. Stresses the need to continuously improve the mechanisms designed to ensure that rule-making is in full compliance with the Treaties, notably the principles of conferral, subsidiarity and proportionality, as set out in Article 5 of the Treaty on European Union (TEU);

Amendment

1. Stresses the need to continuously improve the mechanisms designed to ensure that rule-making is in full compliance with the Treaties, notably the principles of conferral, subsidiarity and proportionality, as set out in Article 5 of the Treaty on European Union (TEU);

supports the establishment of an EU mechanism on democracy, the rule of law
and fundamental rights (the ‘Mechanism’) to be governed by an interinstitutional agreement between the three institutions, consisting of an Annual Monitoring Cycle on Union values, covering all aspects of Article 2 TEU and applying equally, objectively and fairly to all Member States, while respecting the principles of subsidiarity and proportionality;

Amendment 3
László Trócsányi, Kinga Gál, Brice Hortefeux, Loránt Vincze, Paulo Rangel, Rainer Wieland
Draft opinion
Paragraph 1

Draft opinion

1. Stresses the need to continuously improve the mechanisms designed to ensure that rule-making is in full compliance with the Treaties, notably the principles of conferral, subsidiarity and proportionality, as set out in Article 5 of the Treaty on European Union (TEU);

Amendment

1. Stresses the need to continuously improve the mechanisms designed to ensure that rule-making is in full compliance with the Treaties, notably the principles of conferral, subsidiarity and proportionality, as set out in Article 5 of the Treaty on European Union (TEU), and with the principle of sincere cooperation as set out in Article 13 of the Treaty on the European Union (TEU);

Amendment 4
Daniel Freund
on behalf of the Greens/EFA Group
Draft opinion
Paragraph 1

Draft opinion

1. Stresses the need to continuously improve the mechanisms designed to

Amendment

1. Stresses the need to continuously improve the mechanisms designed to
ensure that rule-making is in full compliance with the Treaties, notably the principles of conferral, subsidiarity and proportionality, as set out in Article 5 of the Treaty on European Union (TEU); ensure that rule-making is in full compliance with the Treaties, notably the principles of conferral, legal certainty, equality before the law, subsidiarity and proportionality, as set out in Article 5 of the Treaty on European Union (TEU);

Amendment 5
Daniel Freund
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 1 a (new)

1 a. Stresses the importance of the rule of law as precondition for the proper monitoring and application of EU law; emphasises its grave concerns with the generalised deficiencies regarding the rule of law in a number of Member States as described in the Commission’s 2020 Rule of Law Report; calls on Council to work as a matter of urgency with Parliament towards an agreement on Commission’s proposal for a regulation on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States;

Amendment 6
Pedro Silva Pereira

Draft opinion
Paragraph 1 a (new)

1 a. Notes the 10% decrease of new infringement procedures open in 2018 compared to 2017; regrets, however, the
increase in the number of new infringement procedures in 2019; welcomes the consecutive decrease in new late transposition cases both in 2017, 2018 and 2019; regrets that, despite recent progress, timely and correct application of EU law remain a matter of concern in a number of Member States;

Amendment 7
László Trócsányi, Kinga Gál, Brice Hortefeux, Loránt Vincze, Paulo Rangel

Draft opinion
Paragraph 1 a (new)

Draft opinion
Amendment
1 a. Underlines that the norms of the European Union need to be formulated in a clear, understandable way, respecting the principle of legal clarity, transparency and the principle of legal certainty, stresses that European Union law needs to clearly define the rights and obligations that the addressees of the norms, especially the European Union institutions and the Member States need to follow;

Amendment 8
Daniel Freund
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 1 b (new)

Draft opinion
Amendment
1 b. Considers the EU’s legal order of European and national courts interpreting EU law as central for the proper application of EU law; deplores
the effect of the German Supreme Court decision of 5 May 2020 regarding the European Central Bank’s bond purchase programme (PSPP) creating a lack of clarity in the EU’s legal order; calls on the Commission to launch an infringement procedure against Germany in order to achieve necessary clarity on the EU’s legal order;

Or. en

Amendment 9
Pedro Silva Pereira

Draft opinion
Paragraph 1 b (new)

1 b. Notes that according to the breakdown of the new infringement cases open at the end of 2017, 2018 and 2019, the main policies areas in which the higher number of transposition infringement were opened against Member States were environment, mobility and transport, internal market, financial stability, financial services and capital markets;

Or. en

Amendment 10
Daniel Freund
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 1 c (new)

1 c. Emphasises the principle of transparency as 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 of Fundamental Rights of the European Union; points out that those rights and principles require citizens to be given adequate access to drafts of the legal acts that concern them; insists that those rights and principles should also be of paramount importance to the Member States when proposing draft acts aiming at implementing EU law;

Amendment 11
Pedro Silva Pereira

Draft opinion
Paragraph 1 c (new)

Draft opinion

Amendment

1 c. Notes that the Commission no longer uses the EU Pilot as the default mechanism to engage in dialogue with Member States on alleged breach of EU Law; recalls that resolution rates of EU pilots was at the level of 77% in 2017 and 2019 and at the level of 73% in 2018;

Amendment 12
Daniel Freund
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. Highlights the crucial role of national parliaments in the pre-legislative scrutiny of draft EU laws and in their correct implementation by the Member States;

2. Highlights the crucial role of national parliaments, and where relevant regional parliaments, in the pre-legislative scrutiny of draft EU laws and in their correct implementation by the Member
States; reconfirms its resolution of 17 January 2019 on the Ombudsman’s strategic inquiry OI/2/2017 on the transparency of legislative discussions in the preparatory bodies of the Council of the EU; urges the Council to implement the recommendations of the Ombudsman, to systematically record the identity of Member State governments when they express positions in Council preparatory bodies; to develop clear and publicly available criteria for how it designates documents as ‘LIMITE’, in line with EU law; to systematically review the ‘LIMITE’ status of documents at an early stage, before the final adoption of a legislative act, including before informal negotiations in trilogues, at which point the Council will have reached an initial position on the proposal;

Amendment 13
László Trócsányi, Kinga Gál, Brice Hortefeux, Loránt Vincze, Paulo Rangel

Draft opinion
Paragraph 2

Draft opinion

2. Highlights the crucial role of national parliaments in the pre-legislative scrutiny of draft EU laws and in their correct implementation by the Member States;

Amendment

2. Highlights the crucial role of national parliaments in the pre-legislative scrutiny of draft EU laws and in their correct implementation by the Member States; notes that the existing forms of cooperation with national parliaments - like inter-parliamentary delegations, or procedures involving national parliaments in information-exchange regarding law-making and application - could be improved, calls for discussing possibilities for enhancing cooperation in the field of the application of the principles of subsidiarity and in defining the role of the principle of proportionality during decision-making and the application of norms during the Conference on the
Future of Europe;

Amendment 14
Domènec Ruiz Devesa

Draft opinion
Paragraph 2

2. Highlights the crucial role of national parliaments in the pre-legislative scrutiny of draft EU laws and in their correct implementation by the Member States;

Amendment
2. Highlights the crucial role of national parliaments in the pre-legislative scrutiny of draft EU laws and in their correct implementation by the Member States; considers that attempts against the constitutional integrity of the Member States constitutes a violation on the implementation of the EU Law;

Amendment 15
Sandro Gozi, Pascal Durand, Maite Pagazaurtundúa, Sophia in 't Veld

Draft opinion
Paragraph 2

2. Highlights the crucial role of national parliaments in the pre-legislative scrutiny of draft EU laws and in their correct implementation by the Member States;

Draft opinion
Amendment
2. Highlights the crucial role of national parliaments in the pre-legislative scrutiny of draft EU laws and in their correct implementation by the Member States so that Member States are then better able to implement them correctly and promptly;

Amendment 16
Fabio Massimo Castaldo

Draft opinion
Paragraph 2 a (new)
2 a. Highlights that the respect for the rule of law is a precondition for guaranteeing a healthy democratic environment and protect citizens' fundamental rights. Stresses that ensuring the independence and impartiality of the judicial authorities, safeguarding the pluralism and independence of the media, stepping up the fight against corruption and the infiltration of organized crime into the legal economy are only some of the fundamental pre-conditions for guaranteeing a fair treatment before the law, the defence of citizens' rights, prevent abuses and ensure the accountability of those who administer public goods. Regrets that the available tools provided for by the Treaties do not represent a sufficient deterrent to Member States. Calls on the Conference on the future of Europe to address this issue and decide to overcome the unanimity rule in Council in the context of Article 7 procedures.

Amendment 17
László Trócsányi, Kinga Gál, Brice Hortefeux, Loránt Vincze, Paulo Rangel, Rainer Wieland

Draft opinion
Paragraph 2 a (new)

Draft opinion

2 a. Notes the importance of avoiding unnecessary complexity and reducing administrative burdens for citizens and businesses alike, calls for the need to provide all necessary help to avoid over-regulation when transposing and applying European Union law;
Amendment 18
László Trócsányi, Kinga Gál, Brice Hortefeux, Loránt Vincze

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2 b. Recognizes that after the number of infringement procedures decreased between 2016-2018 the number of procedures increased again from 2018 to 2019, emphasizes the importance of proper dialogues between the European Commission and Member States at the pre-litigation stage; underlines that Member States need to be able to properly transpose European Union law into their own legal system, calls for appropriate timing in legislative procedures to provide sufficient time needed for transposition;

Amendment 19
László Trócsányi, Kinga Gál, Brice Hortefeux, Loránt Vincze, Paulo Rangel

Draft opinion
Paragraph 2 c (new)

Draft opinion

Amendment

2 c. Stresses that the proper application of European Union law and the fulfilment of the obligations arising therefrom are the joint responsibility of the Member States and the institutions and bodies of the European Union, with regard to obligations stemming from the Treaties and the Charter of Fundamental Rights of the European Union;
Draft opinion
Paragraph 3

3. Calls for improvements to the EU law-making process, which relies on transparency and accountability in legislative drafting, together with civil society participation, where appropriate; echoes that the effectiveness of the EU’s legal acts—which hinges on the correctness and timeliness of their implementation—forms the cornerstone of legal certainty and better application; recollects the efforts of EU institutions to set up a common database and website for all parts of the legislative procedure; depletes these efforts have not yet reached their aim; considers necessary existing databases and websites as well as this future one allow for finding input by all involved individually such as voting records and amendments per Member State or Member of the European Parliament;

Or. en

Amendment 21
László Trócsányi, Kinga Gál, Brice Hortefeux, Loránt Vincze, Paulo Rangel

Draft opinion
Paragraph 3

3. Calls for improvements to the EU law-making process, which relies on transparency and accountability in legislative drafting, together with civil society participation, where appropriate; echoes that the effectiveness of the EU’s legal acts—which hinges on the correctness and timeliness of their implementation—forms the cornerstone of legal certainty and better application;
legal acts – which hinges on the correctness and timeliness of their implementation – forms the cornerstone of legal certainty and better application;

their implementation – forms the cornerstone of legal certainty and better application;

Amendment 22
Rainer Wieland, László Trócsányi
Draft opinion
Paragraph 3 a (new)

Amendment

3 a. Deplores inconsistencies in the application and interpretation of EU law which can be attributed to incorrect translations of legal texts; calls therefore on the European Commission to increase efforts to ensure that adopted EU legislation is correctly translated;

Amendment 23
László Trócsányi, Kinga Gál, Brice Hortefeux, Loránt Vincze, Paulo Rangel, Rainer Wieland
Draft opinion
Paragraph 4

Amendment

4. Emphasises that proper transposition and implementation of EU 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 post impact assessment of EU law, including sustainability impact assessments;

4. Emphasises that proper transposition and implementation of European 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 post impact assessment of EU law, including sustainability impact assessments and for appropriate ex ante assessment beforehand during legislative procedures, in line with the pledge of the European Parliament and the Council to
carry out impact assessments in relation to their substantial amendments to the Commission’s proposal when they consider this to be appropriate and necessary for the legislative process;

Amendment 24
Daniel Freund
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 4

Draft opinion

4. Emphasises that proper transposition and implementation of EU 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 post impact assessment of EU law, including sustainability impact assessments;

Amendment

4. Emphasises that proper transposition and implementation of EU 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 post impact assessment of EU law, including sustainability and gender impact assessments;

Amendment 25
Rainer Wieland

Draft opinion
Paragraph 4 a (new)

Draft opinion

4 a. Welcomes that the new IIA on better law-making contains provisions that aim at improving the implementation and application of EU law, inter alia, through better identification of national measures that are not strictly related to the Union legislation (gold-plating) and expects Member States to clearly indicate and document such measures; underlines
that the Members States when applying EU legislation should avoid the so-called "gold plating", by which unnecessary burdens are added to EU legislation which leads to a misconception of EU legislative activity and increases unjustified EU scepticism amongst the citizen; in this respect calls on the Commission to provide regular information on the documentation of gold-plating measures;

Or. en

Amendment 26
Sophia in't Veld, Sandro Gozi

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4 a. Notes the particular lack of transposition, implementation and supervision of EU law in the Area of Freedom, Security and Justice, in contrast to the great urgency with which legislative proposals in this field are often pushed by the Commission and the Council during the EU legislative procedure; Emphasises that the decentralised system of supervision proves to be inadequate in many fields, such as regarding data protection and anti money laundering; Calls on the Commission and on national authorities to pro-actively and comprehensively monitor and enforce the application of EU law in this area;

Or. en

Amendment 27
László Trócsányi, Rainer Wieland

Draft opinion
Paragraph 4 a (new)
Draft opinion

4 a. Recognizes that for the proper functioning of the internal market citizens and entrepreneurs need to be informed regarding questions arising from everyday application of EU law, calls for strengthening cooperation through SOLVIT and other means necessary in this field;

Amendment

Draft opinion

5. Underlines the important role also played by the social partners and civil society organisations in monitoring and promoting effective redress under EU law; encourages the Commission to raise awareness of the rights of citizens and businesses under EU law, and to further support complainants by improving their understanding of pre-litigation procedure;

Amendment

5. Underlines the important role also played by the social partners, gender equality bodies and civil society organisations in monitoring and promoting effective redress under EU law; encourages the Commission to raise awareness of the rights of citizens and businesses under EU law, and to further support complainants by improving their understanding of pre-litigation procedure; underlines the important role of whistleblowers in monitoring the proper application of Union law; urges Member States to implement the European minimum protection rules agreed in March 2019; formally adopted in October 2019 well ahead of the deadline 2 years later; urges Member states to use the room left by the directive for a broadest possible scope and financial compensation for those who suffer from their reporting on breaches of Union law;

Amendment 28
Daniel Freund
on behalf of the Greens/EFA Group
Amendment 29
Domèneç Ruiz Devesa
Draft opinion
Paragraph 5

5. Underlines the important role also played by the social partners and civil society organisations in monitoring and promoting effective redress under EU law; encourages the Commission to raise awareness of the rights of citizens and businesses under EU law, and to further support complainants by improving their understanding of pre-litigation procedure;

Consequently, urges the Commission, as guardian of the Treaties, to open more investigations in those cases in which a possible infringement of EU Law has been detected, giving guarantees to citizens that their voice is heard by the EU institutions.

Or. en

Amendment 30
Fabio Massimo Castaldo
Draft opinion
Paragraph 5 a (new)

5 a. Regrets that the Commission can only rely on infringement procedures to ensure the proper application and implementation of the EU law. Notes with concern that infringement procedures have the contradictory effect to place on citizens the ultimate burden of Member States failures in applying the EU law. Welcomes that the EU-Pilot mechanism is not used systematically any longer as it has been recognised that it added an
additional bureaucratic layer to the procedure without a real added value. Believes that the Conference on the Future of Europe would be an opportunity to discuss new procedures to ensure a more effective application and implementation of the EU law eventually leading to Treaty changes.

Or. en

Amendment 31
Domèneç Ruiz Devesa

Draft opinion
Paragraph 6

6. Urges the Commission to enhance public debate on its annual report on the monitoring of the application of EU law and to further support Member States in transposing and implementing EU legislation through institutional and administrative capacity-building initiatives;
stresses the need for opening this public debate giving the widest possible participation to citizens, in order to find new mechanism for a better implementation of the EU Law, which can also be done together with the civil society in the Conference on the Future of Europe;

Or. en

Amendment 32
László Trócsányi, Kinga Gál, Brice Hortefeux, Loránt Vincze, Paulo Rangel, Rainer Wieland

Draft opinion
Paragraph 6

Draft opinion

Amendment

6. Urges the Commission to enhance public debate on its annual report on the monitoring of the application of EU law and to further support Member States in transposing and implementing EU legislation through institutional and administrative capacity-building initiatives;
6. Urges the Commission to enhance public debate on its annual report on the monitoring of the application of EU law and to further support Member States in transposing and implementing EU legislation through institutional and administrative capacity-building initiatives;

suggests to examine the role of non legally binding guidance documents that aim to assist the Member States in the implementation process;

Or. en

Amendment 33
Daniel Freund
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6 a. Deplores the continuous decline of infringement procedures by the Commission despite rather growing deficits in proper implementation of Union law, among others in the domains of independence of courts, independence of the European Central Bank, anti-money laundering, citizenships for sale; calls on the Commission to regard its role as guardian of the Treaties as central and react with infringement procedures wherever necessary to uphold the proper application of Union law to guarantee legal safety for EU citizens and businesses;

Or. en

Amendment 34
Sandro Gozi, Pascal Durand, Maite Pagazaurtundúa, Sophia in 't Veld

Draft opinion
Paragraph 6 a (new)
Draft opinion

Amendment

6 a. Regrets that there has been a 20% increase in the number of infringement proceedings on EU single market related legislation since December 2017, including 15.6% since 2018, and calls on Member States to transpose EU law quicker and more diligently;

Or. en

Amendment 35
Pedro Silva Pereira

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6 a. Calls on the Commission and Member States to pursue and intensify dialogue and exchange of best practices in order to tackle the lack of clarity and transparency in rule-making;

Or. en

Amendment 36
Pedro Silva Pereira

Draft opinion
Paragraph 6 b (new)

Draft opinion

Amendment

6 b. Recalls that the application of EU Law includes the full respect of shared values, including fundamental rights, democracy, and the rule of law as set on Article 2 TEU; Is concerned, in this context, with the deteriorating situation in some Member States as outlined on the “The rule of law situation in the European Union - 2020 Rule of Law
Amendment 37
Sandro Gozi, Pascal Durand, Maite Pagazaurtundúa, Sophia in 't Veld

Draft opinion
Paragraph 6 b (new)

<table>
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<th>Draft opinion</th>
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<tr>
<td>6 b. Notes with concern that the EU average for transposition delays has increased with directives in 2019 having taken three months longer to be transposed into national legislation than in 2018;</td>
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Amendment 38
Sandro Gozi, Pascal Durand, Maite Pagazaurtundúa, Sophia in 't Veld

Draft opinion
Paragraph 6 c (new)

<table>
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<tr>
<td>6 c. Underlines the importance of the principle set out in paragraph 43 of the Inter-Institutional Agreement on Better Law-Making, that when the Member States, in the context of transposing directives into national law, choose to add elements that are in no way related to that Union legislation (also known as ‘gold-plating’), such additions should be made identifiable either through the transposing act(s) or through associated documents; notes that this information is often still lacking; calls on the Commission and the Member States to act jointly and consistently to tackle the lack of transparency and other problems related to ‘gold-plating’ as this practice</td>
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can put unnecessary burdens on citizens, businesses and administrations;

Or. en

Amendment 39
Sandro Gozi, Pascal Durand, Maite Pagazaurtundúa, Sophia in 't Veld

Draft opinion
Paragraph 6 d (new)

Draft opinion

Amendment

6 d. Reaffirms that the Court of Justice of the European Union (CJEU) has the exclusive competence to interpret EU law;

Or. en

Amendment 40
Domènec Ruiz Devesa

Draft opinion
Paragraph 7

Draft opinion

Amendment

7. Recalls the need to fully safeguard the role of the Court of Justice of the European Union (CJEU) to ensure the uniform interpretation and application of EU law in the context of Brexit and the future relationship with the UK.

7. Recalls the need to fully safeguard the role of the Court of Justice of the European Union (CJEU) to ensure the uniform interpretation and application of EU law, thus its sentences prevail over the jurisprudence of national courts, including constitutional ones; therefore highlights, this same need in the context of Brexit and the future relationship with the UK.

Or. en

Amendment 41
László Trócsányi, Kinga Gál, Brice Hortefeux, Loránt Vincze, Paulo Rangel, Rainer Wieland
Draft opinion
Paragraph 7

Draft opinion

7. Recalls the need to fully safeguard the role of the Court of Justice of the European Union (CJEU) to ensure the uniform interpretation and application of EU law in the context of Brexit and the future relationship with the UK.

Amendment

7. Recalls the need to fully safeguard the role of the Court of Justice of the European Union (CJEU) to ensure the uniform interpretation and application of EU law in the implementation of the Withdrawal Agreement and with regards to the future relationship with the UK.

Or. en

Amendment 42
Pedro Silva Pereira

Draft opinion
Paragraph 7 a (new)

Draft opinion

7 a. Acknowledges and recalls the role of the European Court of Justice as the sole institution in charge of ruling on the validity of Acts of the EU institutions, thus ensuring the correct interpretation and application of EU Law;

Amendment

7 a. Calls on the European Commission to launch infringement procedures if a Member State does not apply or respect the fundamental values referred to in Article 2 TEU, including the rule of law;

Or. en

Amendment 43
Sandro Gozi, Pascal Durand, Maite Pagazaurtundúa, Sophia in 't Veld

Draft opinion
Paragraph 7 a (new)

Draft opinion

7 a. Calls on the European Commission to launch infringement procedures if a Member State does not apply or respect the fundamental values referred to in Article 2 TEU, including the rule of law;