



EUROPEAN PARLIAMENT

2014 - 2019

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*Committee on the Environment, Public Health and Food Safety*

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**2014/2253(INI)**

18.6.2015

## **OPINION**

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Legal Affairs

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

Rapporteur: Jytte Guteland

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## SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Underlines that the improvement of implementation is one of the Seventh Environmental Action Programme's priorities;
2. Underlines that the Commission has the power and duty to oversee the application of EU law and to launch infringement proceedings against any Member State that has failed to fulfil an obligation under the Treaties;
3. Notes that citizens and businesses expect a simple, predictable and reliable regulatory framework;
4. Calls on the Commission and the Member States to coordinate their efforts at an earlier stage of the legislative process with a view to ensuring that the end result can be implemented more effectively;
5. Notes that late transposition, incorrect transposition and bad application of EU law can result in differentiation between Member States and distort the level playing field across the EU;
6. Deplores the fact that EU environmental and health legislation continues to be affected by high numbers of cases of late transposition, incorrect transposition and bad application by the Member States; notes that the Commission's 31st annual report on the application of EU law shows that in 2013 the biggest category of infringement proceedings was environment-related; recalls that the costs of failing to implement environmental policy – including the costs of infringement proceedings – are high, being estimated at around EUR 50 billion per annum (COWI et al., 2011); stresses, moreover, that the implementation of environmental policy would yield many socioeconomic benefits which are not always registered by cost-benefit analyses;
7. Calls on the Commission to be more rigorous in relation to the application of EU environmental legislation and to conduct faster and effective investigations into infringements relating to environmental pollution;
8. Calls on the Commission to treat all Member States equally, regardless of their size or when they joined the EU;
9. Points out that the four sectors in which the largest number of new infringement proceedings for late transposition were initiated in 2013 were: the environment (168 proceedings), health and consumer protection (58), the internal market and services (47) and transport (36); points out, further, that petitions have been instrumental in enabling Parliament to draw the Commission's attention to shortcomings in the application of EU environmental law by Member States;

10. Calls on the Commission to take stronger action against the late transposition of environmental directives and to make stronger use of penalty payments;
11. Welcomes the Commission's efforts to solve implementation problems informally; calls on the Commission to improve the effectiveness and transparency of the EU Pilot platform and to enhance multi-level cooperation via the platform between national, regional and local authorities with a view to facilitating the correct and comprehensive application of EU law; urges the Commission to adopt an approach based on maximum transparency in providing interested members of the public with all the information available, including that concerning pre-infringement proceedings; urges the Commission to proceed with formal infringement proceedings where informal agreements are not properly implemented by Member States;
12. Calls on the Commission, with a view to obviating the need for infringement proceedings, to develop, where possible, the informal rules into a standard procedure for consultation with Member States in order to make monitoring and enforcement more predictable;
13. Welcomes, and emphasises the importance of, the role played by members of the public, firms and organisations in drawing attention to possible breaches of EU law;
14. Highlights the important role played by Parliament, through petitions and questions, in drawing attention to shortcomings in the application of EU law by the Member States;
15. Notes that, as regards cases of bad application of EU law, the Commission mainly relies on complaints; deplores the fact that individual complaints are often treated with considerable delays; encourages the Commission to address all cases, prioritising cases of strategic importance and cases which set precedents, which can be expected to be of greatest significance in attaining the envisaged environmental objectives, and to closely monitor cases with cross-border dimensions; furthermore, calls on the Commission to inform complainants in an appropriate, transparent and timely manner of the arguments provided by the Member States concerned in reaction to the complaint;
16. Calls on the Commission to submit a new proposal on access to justice in environmental matters and a proposal on environmental inspections, possibly without increasing red tape and administrative costs;
17. Expresses its concern that the Commission's communication policy regarding the Regulatory Fitness and Performance Programme (REFIT) overstates the difficulty of implementing environmental and health legislation; stresses that environmental, food safety and health standards should not be undermined in the context of the REFIT programme; acknowledges the need for better regulation and takes the view that regulatory simplification should, inter alia, tackle problems encountered during implementation; takes the view that REFIT should deliver results for citizens and businesses in the least burdensome way;
18. Urges the Commission, when drafting and assessing legislation, to take greater account of the burden it may impose on SMEs;
19. Notes the Commission's use of the term 'gold plating', which refers to obligations that go

beyond EU requirements: an excess of norms, guidelines and procedures accumulated at national, regional and local levels interfering with the expected policy goals; calls on the Commission to clearly define the concept of gold plating; underlines that such a definition must clarify that Member States have the right to set stricter standards where necessary, while taking into account that better harmonisation in the implementation of EU environmental law is important for the functioning of the internal market;

20. Underlines the need to maintain a high level of environmental protection and warns against associating high levels of infringements with the need to reduce the level of ambition of environmental legislation.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	17.6.2015						
<b>Result of final vote</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 100px;">+:</td> <td style="text-align: right;">56</td> </tr> <tr> <td>-:</td> <td style="text-align: right;">0</td> </tr> <tr> <td>0:</td> <td style="text-align: right;">3</td> </tr> </table>	+:	56	-:	0	0:	3
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<b>Members present for the final vote</b>	<p>Marco Affronte, Pilar Ayuso, Zoltán Balczó, Lynn Boylan, Nessa Childers, Alberto Cirio, Birgit Collin-Langen, Mireille D'Ornano, Miriam Dalli, Seb Dance, Angélique Delahaye, Stefan Eck, Bas Eickhout, Eleonora Evi, José Inácio Faria, Karl-Heinz Florenz, Iratxe García Pérez, Elisabetta Gardini, Gerben-Jan Gerbrandy, Jens Gieseke, Julie Girling, Sylvie Goddyn, Matthias Groote, Françoise Grossetête, Anneli Jäätteenmäki, Jean-François Jalkh, Benedek Jávor, Karin Kadenbach, Kateřina Konečná, Giovanni La Via, Peter Liese, Norbert Lins, Susanne Melior, Miroslav Mikolášik, Massimo Paolucci, Gilles Pargneaux, Piernicola Pedicini, Pavel Poc, Marcus Pretzell, Frédérique Ries, Annie Schreijer-Pierik, Davor Škrlec, Renate Sommer, Dubravka Šuica, Jadwiga Wiśniewska, Damiano Zoffoli</p>						
<b>Substitutes present for the final vote</b>	<p>Nikos Androulakis, Renata Briano, Nicola Caputo, Fredrick Federley, Anthea McIntyre, James Nicholson, Jens Nilsson, Marijana Petir, Sirpa Pietikäinen, Gabriele Preuß, Bart Staes, Tibor Szanyi, Tom Vandenkendelaere</p>						