



2023/2080(INI)

27.9.2023

AMENDMENTS

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Draft report
Catharina Rinzema
(PE751.789v01-00)

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

Amendment 1
Marie Toussaint

Motion for a resolution
Citation 2 a (new)

Motion for a resolution

Amendment

- *having regard to the European Parliament resolution of 9 June 2016 for an open, efficient and independent European Union administration;*

Or. en

Amendment 2
Marie Toussaint

Motion for a resolution
Citation 3 a (new)

Motion for a resolution

Amendment

- *having regard to its resolution of 7 July 2022 on Better regulation: Joining forces to make better laws,*

Or. en

Amendment 3
Sabrina Pignedoli

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

- Aa. whereas infringement procedures are unfair insofar as they make citizens bear the cost of the incomplete transposition or incorrect application of European law by Member States;*

Or. en

Amendment 4
Manon Aubry

Motion for a resolution
Recital B

Motion for a resolution

B. whereas the number of single market infringement cases fell steeply by 80 % between 2020 and 2022; whereas without oversight and enforcement by the Commission, cross-border business and the free movement of people, goods, capital and services in the EU could be gravely hampered;

Amendment

B. whereas the number of single market infringement cases fell steeply by 80 % between 2020 and 2022; whereas without oversight and 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 human rights, the environment, and the protection of rights and freedoms of citizens across the EU;***

Or. en

Amendment 5
Caterina Chinnici

Motion for a resolution
Recital B

Motion for a resolution

B. whereas the number of single market infringement cases fell steeply by 80 % between 2020 and 2022; whereas without oversight and enforcement by the Commission, cross-border business and the free movement of people, goods, capital and services in the EU could be gravely hampered;

Amendment

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;

Or. en

Amendment 6

Sabrina Pignedoli

Motion for a resolution

Recital B

Motion for a resolution

B. whereas the number of single market infringement cases fell steeply by 80 % between 2020 and 2022; whereas ***without oversight and enforcement by the Commission, cross-border business and the free movement of people, goods, capital and services in the EU could be gravely hampered;***

Amendment

B. whereas the number of single market infringement cases fell steeply by 80 % between 2020 and 2022; whereas the Commission ***as guardian of the Treaties plays a key role in overseeing and enforcing the application of EU law;***

Or. en

Amendment 7

Angel Dzhambazki

Motion for a resolution

Recital B

Motion for a resolution

B. whereas the number of single market infringement cases fell steeply by 80 % between 2020 and 2022; whereas ***without oversight and enforcement by the Commission, cross-border business and the free movement of people, goods, capital and services in the EU could be gravely hampered;***

Amendment

B. whereas the number of single market infringement cases fell steeply by 80 % between 2020 and 2022; whereas oversight and enforcement by the Commission, ***ensures the well functioning of*** cross-border business and the free movement of people, goods, capital and services in the EU;

Or. en

Amendment 8

Marie Toussaint

Motion for a resolution

Recital B a (new)

Motion for a resolution

Amendment

Ba. whereas in 2020, 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, environment was still in third place in terms of number of new infringement procedures in 2022; whereas in 2020, 2021 and 2022, 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;

Or. en

Amendment 9
Angel Dzhambazki

Motion for a resolution
Recital C

Motion for a resolution

C. 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 EU (CJEU), which *it* sees as a measure of last resort; 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;

Amendment

C. whereas dialogue with national authorities *should always* be the **initial step and** preferred way to solve infringement procedures, as opposed to bringing Member States before the Court of Justice of the EU (CJEU), which *the Commission* sees as a measure of last resort; 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; *whereas the Commission must be more stringent and consistent in its approach and enforce the required court-proceedings, following-up on the Union's own rules, where despite the necessary warnings non-compliance still ensues;*

Or. en

Amendment 10

Manon Aubry

Motion for a resolution

Recital C

Motion for a resolution

C. 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 EU (CJEU), which it sees as a measure of last resort; 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;

Amendment

C. 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 EU (CJEU), which it sees as a measure of last resort, ***crucially in procedures concerning the violation of 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;

Or. en

Amendment 11

Sabrina Pignedoli

Motion for a resolution

Recital C a (new)

Motion for a resolution

Amendment

Ca. whereas respect for the rule of law is the cornerstone of democracy and underpins fundamental rights; whereas impartial, independent courts, media pluralism and independence, the fight against corruption and the infiltration of the legal economy by organised crime are essential to guaranteeing equal treatment before the law, protecting citizens' rights, preventing abuses and ensuring accountability among public office holders;

Amendment 12
Sabrina Pignedoli

Motion for a resolution
Recital C b (new)

Motion for a resolution

Amendment

Cb. whereas organised crime is a major threat to European security, citizens, business and public institutions; whereas monitoring the correct transposition of the anti-money laundering legislation is key to stop criminals to profit from the proceeds of their crimes;

Or. en

Amendment 13
Manon Aubry

Motion for a resolution
Paragraph 1

Motion for a resolution

Amendment

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;

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 infringements procedures launched by the Commission for the wrongful application of EU law or non-conformity of national rules with EU law concerns the environment, employment, transport and mobility;

Or. en

Amendment 14
Gilles Lebreton

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Notes that, under the Von der Leyen Commission, the total 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 Barroso and Juncker commissions; understands 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; recommends that the Commission shorten the dialogue period and not shy away from litigation;**

Amendment

2. Notes that, under the Von der Leyen Commission, the total 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 lower than under the Barroso and Juncker commissions; understands the importance of dialogue between the Commission and the Member States at the pre-litigation stage **and welcomes the fact that the Commission favours dialogue over immediate referral to the CJEU;**

Or. fr

Amendment 15
Caterina Chinnici

Motion for a resolution
Paragraph 2

Motion for a resolution

Amendment

2. Notes that, ***under the Von der Leyen Commission***, the total 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 Barroso and Juncker commissions***; understands 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; recommends that the Commission shorten the dialogue period and not shy away from litigation;

2. Notes that the total new infringement actions taken by the Commission fell from 903 cases in 2020 to 551 in 2022 ***which has to do also with the COVID-19 pandemic and number of legislative instruments adopted as most infringement cases are linked to late transposition***; understands the importance of ***strengthening the*** dialogue between the Commission and the Member States at the pre-litigation stage ***in order to avoid, when possible, infringement procedures which should be used as a measure of last resort***; calls on the Commission to further clarify how it prioritises serious breaches of EU law and to flesh out its selection criteria; recommends that the Commission shorten the dialogue period and not shy away from litigation;

Or. en

Amendment 16 **Catharina Rinzema**

Motion for a resolution **Paragraph 2**

Motion for a resolution

2. Notes that, under the Von der Leyen Commission, the total 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 Barroso and Juncker commissions; understands the importance of dialogue between the

Amendment

2. Notes that, under the Von der Leyen Commission, 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 Barroso and Juncker commissions; Understands 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; recommends that the Commission *shorten* the dialogue period *and* not shy away from litigation;

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 flesh out its selection criteria; recommends that the Commission *shortens* the dialogue period, *minimises and clarifies the timeframe for infringement procedures, and does* not shy away from litigation, *which is key to put an end to EU law's violations by Member States and to ensure protection of EU citizens and to guarantee regulatory convergence across the Single Market*;

Or. en

Amendment 17 **Manon Aubry**

Motion for a resolution **Paragraph 2**

Motion for a resolution

2. Notes that, under the Von der Leyen Commission, the total 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 Barroso and Juncker commissions; understands 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

Amendment

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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; recommends that the Commission shorten the dialogue period and not shy away from litigation;

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; ***in that regard, calls on the Commission to prioritise breaches of EU law that impair fundamental rights, violate fundamental values of the Union, affect vulnerable people or lead to severe environmental damage;*** recommends that the Commission shorten the dialogue period and not shy away from litigation;

Or. en

Amendment 18 **Marie Toussaint**

Motion for a resolution **Paragraph 2**

Motion for a resolution

2. Notes that, under the Von der Leyen Commission, the total 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 Barroso and Juncker commissions; understands 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

Amendment

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appropriate; calls on the Commission to further clarify how it prioritises serious breaches of EU law *and* to flesh out its selection criteria; recommends that the Commission shorten the dialogue period and not shy away from litigation;

appropriate; calls on the Commission to further clarify how it prioritises serious breaches of EU law, 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 like “issue of wider principles” and “systematic failure to enforce EU law”*; recommends that the Commission shorten the dialogue period and not shy away from litigation;

Or. en

Amendment 19 **Sabrina Pignedoli**

Motion for a resolution **Paragraph 2**

Motion for a resolution

2. Notes that, under the Von der Leyen Commission, the total 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 Barroso and Juncker commissions; understands 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; recommends that the Commission shorten the dialogue period

Amendment

2. Notes that, under the Von der Leyen Commission, the total 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 Barroso and Juncker commissions; understands 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; recommends that the Commission shorten the dialogue period and not shy away from litigation *while at*

and not shy away from litigation;

the same time start the reflection on possible alternative mechanisms to guarantee the correct application of EU law;

Or. en

Amendment 20
Marie Toussaint

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. *Considers key for the full protection of citizens' rights a rapid action to put an end to EU law's violations by Member States, especially in environmental matters, 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; 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;*

Or. en

Amendment 21
Caterina Chinnici

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. 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, among those guidance documents, implementation plans, expert groups, explanatory documents, trainings, or workshops; 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 to avoid referrals of the case to the Court of Justice of the European Union; Invites the Commission, where possible, to provide greater support to the competent national and regional authorities in the process of transposing EU legislation;

Or. en

Amendment 22
Marie Toussaint

Motion for a resolution
Paragraph 2 b (new)

Motion for a resolution

Amendment

2b. Strongly believes that CJEU's judgments must be implemented to the fullest extent by the Member States; underlines that a superficial 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;

Or. en

Amendment 23
Caterina Chinnici

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Takes note of the fact that the Commission ***no longer uses the EU Pilot as its default platform through which to engage in dialogue with Member States on alleged breaches of EU law, as it added an additional bureaucratic layer to the procedure without adding real value;***

Amendment

3. Takes note of the fact that the ***number of the new EU Pilot cases has increased from 212 cases in 2020 to 279 cases in 2022; notes that out of the 279 cases in 2022 there were 51 triggered by complaints and 228 cases were opened by the Commission following own-initiative investigations;***

Or. en

Amendment 24 Antonius Manders

Motion for a resolution Paragraph 4

Motion for a resolution

4. 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;

Amendment

4. 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, as the support of the existing SOLVIT system is limited, especially 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 European Court of Justice, to ensure the correct transposition, application and implementation of EU law in all Member States;***

Amendment 25
Maria-Manuel Leitão-Marques

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4a. Regrets the persistent lack of homogeneity between Member States in the effective implementation of legislation aimed at building a social Union; is concerned about the serious shortcomings and delays in the application of EU law in 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 and against another 19 Member States for failing to transpose EU rules on transparent and predictable working conditions;

Or. en

Amendment 26
Maria-Manuel Leitão-Marques

Motion for a resolution
Paragraph 4 b (new)

Motion for a resolution

Amendment

4b. 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 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 such strategies; calls on the Member States to urgently and duly adopt and implement their long-term strategies;

Or. en

Amendment 27
Maria-Manuel Leitão-Marques

Motion for a resolution
Paragraph 4 c (new)

Motion for a resolution

Amendment

4c. 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, the Energy Efficiency Directive, the Renewable Energy Directive, and the Single-Use Plastics Directive; urges the Member States to correctly transpose this legislation;

Or. en

Amendment 28
Maria-Manuel Leitão-Marques

Motion for a resolution
Paragraph 4 d (new)

Motion for a resolution

Amendment

4d. Welcomes the Commission efforts to protect LGBTIQ+ people from discrimination, including by referring Hungary to the Court of Justice over national rules that discriminate against people based on their sexual orientation and gender identity; urges 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 efforts to uphold media freedom and pluralism, and its decision to refer Hungary to the Court of Justice over an alleged violation of the freedom of speech as enshrined in the EU Charter of Fundamental Rights;

Or. en

Amendment 29
Manon Aubry

Motion for a resolution
Paragraph 5

Motion for a resolution

5. ***Calls on the Commission and the Member States to act jointly and consistently on problems related to ‘gold-plating’; notes that, while additional unnecessary administrative burdens should be avoided and should even be decreased in order to prevent fragmentation of the single market, Member States may take more ambitious measures in cases where only minimum standards have been defined by Union law; calls on the Commission, in this regard, to come up with specific guidelines for Member States to prevent unnecessary gold-plating, including a template for a ‘gold-plating test’ focusing on assessing the necessity, proportionality, and feasibility of more ambitious national standards 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***

Amendment

5. notes that, while additional unnecessary administrative burdens should be avoided and should even be decreased in order to prevent fragmentation of the single market, Member States may take more ambitious measures in cases where only minimum standards have been defined by Union law, ***crucially in the areas of providing citizens with better human rights and social protections, access to public services, and environmental protection;***

competitive disadvantages and ensuring harmonised rules for businesses;

Or. en

Amendment 30
Marie Toussaint

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Calls on *the Commission and* the Member States to *act jointly and consistently on problems related to ‘gold-plating’*; notes that, while additional unnecessary administrative burdens should be avoided *and should even be decreased in order to* prevent *fragmentation of the single market*, Member States *may take* more ambitious measures in cases where only minimum standards *have been* defined by Union law; *calls on the Commission, in this regard, to come up with specific guidelines for* Member States to *prevent unnecessary gold-plating, including a template for a ‘gold-plating test’ focusing on assessing the necessity, proportionality, and feasibility of more ambitious national standards 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;*

Amendment

5. Calls on the Member States to *avoid adding unnecessary additional administrative or compliance burdens when transposing EU legislation; stresses however* that, while additional unnecessary administrative burdens should be avoided *in designing, transposing and implementing EU acts, this should not be translated into deregulation or “no-regulation” nor* prevent Member States *from maintaining or taking* more ambitious measures *and adopting higher social, environmental, climate and consumer protection standards* in cases where only minimum standards *are* defined by Union law; *supports the Commission’s request to the* Member States to *report when they choose to add elements that do not stem from* EU legislation;

Or. en

Amendment 31
Maria-Manuel Leitão-Marques

Motion for a resolution
Paragraph 5

5. ***Calls on the Commission and the Member States to act jointly and consistently on problems related to ‘gold-plating’***; notes that, while additional unnecessary administrative burdens should be avoided and should even be decreased in order to prevent fragmentation of the single market, Member States ***may take*** more ambitious measures in cases where only minimum standards have been defined by Union law; calls on the Commission, ***in this regard, to come up with specific guidelines for Member States to prevent unnecessary gold-plating, including a template for a ‘gold-plating test’ focusing on assessing*** the necessity, proportionality, and feasibility of more ambitious national standards 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***;

5. Notes that, while additional unnecessary administrative burdens should be avoided 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; calls on the Commission ***to support*** Member States ***in the implementation of such measures, where appropriate***; ***considers that the Commission may assess*** the necessity, proportionality, and feasibility of more ambitious national standards compared to relevant EU legislation and national legislation of other Member States as well as ***the economic, social and environmental consequences*** of such standards;

Or. en

Amendment 32
Caterina Chinnici

Motion for a resolution
Paragraph 5

5. Calls on the Commission and the Member States to act jointly and consistently on problems related to ‘gold-plating’; notes that, while additional unnecessary administrative burdens should be avoided and should even be decreased in order to prevent fragmentation of the single market, Member States may take more ambitious measures in cases where only minimum standards have been defined

5. Calls on the Commission and the Member States to act jointly and consistently on 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 may take more ambitious measures in cases where only minimum

by Union law; ***calls on*** the Commission, in this regard, to come up with specific guidelines for Member States to prevent unnecessary gold-plating, including a template for a ‘gold-plating test’ focusing on assessing the necessity, proportionality, and feasibility of ***more ambitious*** national ***standards*** 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;

standards have been defined by Union law; ***invites*** the Commission, in this regard, to come up with specific guidelines for Member States to prevent unnecessary gold-plating, including ***to consider*** a template for a ‘gold-plating test’ focusing on 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, ***especially on SMEs***, with the goal of preventing competitive disadvantages, ***avoiding higher costs*** and ensuring harmonised rules for businesses;

Or. en

Amendment 33 **Catharina Rinzema**

Motion for a resolution **Paragraph 5**

Motion for a resolution

5. Calls on the Commission and the Member States to act jointly and consistently ***on*** problems related to ‘gold-plating’; notes that, while additional unnecessary administrative burdens should be avoided and should even be decreased in order to prevent fragmentation of the single market, Member States may take more ambitious measures in cases where only minimum standards have been defined by Union law; ***calls on*** the Commission, in this regard, to come up with specific guidelines for Member States to prevent unnecessary gold-plating, including a template for a ‘gold-plating test’ focusing on assessing the necessity, proportionality, and feasibility of more ambitious national standards compared to relevant EU legislation and national legislation of other Member States, as well as on the potential

Amendment

5. 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 and should even be decreased in order to prevent fragmentation of the single market, Member States may take more ambitious measures in cases where only minimum standards have been defined by Union law; ***calls on*** the Commission, in this regard, to come up with specific guidelines for Member States to prevent unnecessary gold-plating, including a template for a ‘gold-plating test’ focusing on assessing the necessity, proportionality, and feasibility of more ambitious national standards compared to relevant EU legislation and national legislation of other

effects of such standards on the national business climate, with the goal of preventing competitive disadvantages and ensuring harmonised rules for businesses;

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;

Or. en

Amendment 34 **Gilles Lebreton**

Motion for a resolution **Paragraph 6**

Motion for a resolution

6. Considers that, in order to reduce the problems related to gold-plating, Parliament, the Council and the Commission should focus on adopting EU legislation drafted using the principles of legal clarity, 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 and loses sight of the ultimate end users (citizens, Member States or businesses); stresses that Union law needs to clearly establish the rights and obligations of its addressees, particularly the EU institutions and the Member States;***

Amendment

6. Considers that, in order to reduce the problems related to gold-plating, Parliament, the Council and the Commission should focus on adopting EU legislation drafted using the principles of legal clarity, transparency and legal certainty, with a view to being easily transposable; ***recognises, however, the freedom of each Member State to carry out gold-plating;***

Or. fr

Amendment 35 **Antonius Manders**

Motion for a resolution **Paragraph 6**

Motion for a resolution

6. Considers that, in order to reduce

Amendment

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the problems related to gold-plating, Parliament, the Council and the Commission should focus on adopting EU legislation drafted using the principles of legal clarity, 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 and loses sight of the ultimate end users (citizens, Member States or businesses); stresses that Union law needs to clearly establish the rights and obligations of its addressees, particularly the EU institutions and the Member States;

the problems related to gold-plating, Parliament, the Council and the Commission should ***focus on adopting harmonizing regulations instead of directives and should also*** focus on adopting EU legislation drafted using the principles of legal clarity, 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 and loses sight of the ultimate end users (citizens, Member States or businesses); stresses that Union law needs to clearly establish the rights and obligations of its addressees, particularly the EU institutions and the Member States; ***regrets that, all too often, EU law-making is influenced by and dependent on the consultancy industry, which makes society in general more reliant on consultants instead of focussing on common sense and having leniency for mistakes in some cases;***

Or. en

Amendment 36
Maria-Manuel Leitão-Marques

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Considers that, ***in order to reduce the problems related to gold-plating,*** Parliament, the Council and the Commission should focus on adopting EU legislation drafted using the principles of legal clarity, 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 and loses sight of the***

Amendment

6. Considers that Parliament, the Council and the Commission should focus on adopting EU legislation drafted using the principles of legal clarity, transparency and legal certainty, with a view to being easily transposable and having a specific European added value;; stresses that Union law needs to clearly establish the rights and obligations of its addressees, particularly the EU institutions and the Member States; ***highlights that legal clarity facilitates implementation and is fundamental to***

ultimate end users (citizens, Member States or businesses); stresses that Union law needs to clearly establish the rights and obligations of its addressees, particularly the EU institutions and the Member States;

assure the outcomes of legislation are achieved;

Or. en

Amendment 37
Marie Toussaint

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Considers that, in order to reduce the problems related to *gold-plating*, Parliament, the Council and the Commission should focus on adopting EU legislation drafted using the principles of legal clarity, 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 and loses sight of the ultimate end users (citizens, Member States or businesses); stresses that Union law needs to clearly establish the rights and obligations of its addressees, particularly the EU institutions and the Member States;

Amendment

6. Considers that, in order to reduce the problems related to *transposition at national level*, Parliament, the Council and the Commission should focus on adopting EU legislation drafted using the principles of legal clarity, 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 and loses sight of the ultimate end users (citizens, Member States or businesses); stresses that Union law needs to clearly establish the rights and obligations of its addressees, particularly the EU institutions and the Member States;

Or. en

Amendment 38
Caterina Chinnici

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Considers that, in order to reduce the problems related to gold-plating,

Amendment

6. Considers that, in order to reduce the problems related to gold-plating,

Parliament, the Council and the Commission should focus on adopting EU legislation drafted using the principles of legal clarity, 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 and loses sight of the ultimate end users (citizens, Member States or businesses); stresses that Union law needs to clearly establish the rights and obligations of its addressees, particularly the EU institutions and the Member States;

Parliament, the Council and the Commission should 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 and loses sight of the ultimate end users (citizens, Member States or businesses); stresses that Union law needs to clearly establish the rights and obligations of its addressees, particularly the EU institutions and the Member States;

Or. en

Amendment 39
Manon Aubry

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Considers that, **in order to reduce the problems related to gold-plating**, Parliament, the Council and the Commission should focus on adopting EU legislation drafted using the principles of legal clarity, 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 and loses sight of the ultimate end users (citizens, Member States or businesses); stresses that Union law needs to clearly establish the rights and obligations of its addressees, particularly the EU institutions and the Member States;

Amendment

6. Considers that Parliament, the Council and the Commission should focus on adopting EU legislation drafted using the principles of legal clarity, transparency and legal certainty, with a view to being easily transposable and having a specific European added value, **in particular for citizens**; regrets that, all too often, EU law-making resorts to ambiguous **and opaque** compromises between the three institutions and loses sight of the ultimate end users (citizens, Member States or businesses); stresses that Union law needs to clearly establish the rights and obligations of its addressees, particularly the EU institutions and the Member States;

Or. en

Amendment 40
Marie Toussaint

Motion for a resolution
Paragraph 6 a (new)

Motion for a resolution

Amendment

6a. 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 codifying 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 this 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;

Or. en

Amendment 41
Manon Aubry

Motion for a resolution
Paragraph 6 a (new)

Motion for a resolution

Amendment

6a. Deplores the lack of transparency of legislative procedures; deplores in particular the lack of transparency of the Council and during interinstitutional negotiations, such as "trilogues"; notes with concern that this opacity creates an imbalance of influence over legislative procedures between, on the one hand,

poorly-resourced citizens and civil society organisations, and on the other hand, professional representatives of industries and commercial interests;

Or. en

Amendment 42
Marie Toussaint

Motion for a resolution
Paragraph 6 b (new)

Motion for a resolution

Amendment

6b. Reiterates its call for the adoption of a regulation on an open, efficient and independent EU administration under Article 298 TFEU, and notes that there Commission has not come forward with a proposal following up on this request; calls on the Commission once again, therefore, to come forward with a legislative proposal on a European law of administrative procedure, taking into account the steps taken so far by Parliament in this field;

Or. en

Amendment 43
Manon Aubry

Motion for a resolution
Paragraph 6 b (new)

Motion for a resolution

Amendment

6b. Is concerned about the current challenges for the European citizens, such as inflation, cost of living and the energy crises; calls on the Commission to detect and address violations of EU law that fuel those crises;

Or. en

Amendment 44
Gilles Lebreton

Motion for a resolution
Paragraph 7

Motion for a resolution

Amendment

7. *Is concerned about the use by multinational suppliers of so-called ‘Territorial Supply Constraints’, which are limitations imposed by a supplier that hinder retailers, such as supermarkets, to obtain goods cross-border in a central location and distributing them to other Member States³; warns that, as a consequence, EU consumers are paying more for the same everyday products compared to those in a neighbouring country;* *deleted*

³ *As explained by the Commission: ‘Major branded goods manufacturers may have no direct interest in reducing prices and will try to negotiate contracts at national level to maintain price differences. Retailers in small Member States suggest that when they seek to source supplies from non-domestic wholesalers or even directly from suppliers in more competitive and attractively-priced neighbouring markets, they are redirected to the subsidiary responsible of that particular geographical market or their national wholesalers who have territorial contracts with the suppliers. Such constraints allow segmenting the market and can result in significant wholesale price differences between countries’, Commission Green Paper of 31 January 2013 on unfair trading practices in the business-to-business food and non-food supply chain in Europe (COM(2013)0037).*

Or. fr

Amendment 45
Caterina Chinnici

Motion for a resolution
Paragraph 7

Motion for a resolution

Amendment

7. *Is concerned about the use by multinational suppliers of so-called ‘Territorial Supply Constraints’, which are limitations imposed by a supplier that hinder retailers, such as supermarkets, to obtain goods cross-border in a central location and distributing them to other Member States³ ; warns that, as a consequence, EU consumers are paying more for the same everyday products compared to those in a neighbouring country;* *deleted*

³ *As explained by the Commission: ‘Major branded goods manufacturers may have no direct interest in reducing prices and will try to negotiate contracts at national level to maintain price differences. Retailers in small Member States suggest that when they seek to source supplies from non-domestic wholesalers or even directly from suppliers in more competitive and attractively-priced neighbouring markets, they are redirected to the subsidiary responsible of that particular geographical market or their national wholesalers who have territorial contracts with the suppliers. Such constraints allow segmenting the market and can result in significant wholesale price differences between countries’, Commission Green Paper of 31 January 2013 on unfair trading practices in the business-to-business food and non-food supply chain in Europe (COM(2013)0037).*

Or. en

Amendment 46
Caterina Chinnici

Motion for a resolution
Paragraph 8

Motion for a resolution

8. 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;

Amendment

8. Notes that ***even though*** 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 ***the most infringement procedures are linked to late transposition***;

Or. en

Amendment 47
Marie Toussaint

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

8a. Expresses concern at the serious gaps in the transposition and application of EU environmental, climate and energy laws, particularly in the area of waste management and disposal, energy efficiency, the loss of biodiversity, the over-exploitation of natural resources and protected areas, the inadequate treatment of urban wastewater and air pollution, which also have serious impacts on human health and on the right to a healthy environment; to this regard, calls on the Commission to firmly guarantee the swift, complete and correct transposition of all EU environmental directives in all Member States;

Or. en

Amendment 48
Sabrina Pignedoli

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. Is concerned that many Member States have not yet implemented the obligation stemming from the 4th Anti Money Laundering Directive to ensure that information about the beneficial owners of companies is stored in a central register;

Or. en

Amendment 49
Sabrina Pignedoli

Motion for a resolution
Paragraph 8 b (new)

Motion for a resolution

Amendment

8b. Deplores the fact that the Commission has not decided to launch infringement procedures against the Member States that have breached Schengen rules;

Or. en