Priority question for written answer P-000097/2022
to the Commission
Rule 138
Sophia in 't Veld (Renew)

Subject: Are you still there, Guardian of the Treaties?

In a recently published study¹, two renowned academic researchers reported a shocking finding: the Commission has since 2004 deliberately and systematically weakened its enforcement of EU law by applying ‘forbearance’. The number of infringement proceedings has dropped significantly across all policy fields. The researchers present strong evidence that this shift stems from a deliberate policy choice by the Commission leadership. The so-called ‘EU Pilot’ (an opaque mechanism to prevent infringement procedures through informal contacts with Member State governments) was a key instrument for the new enforcement policy. However, out-of-court settlements and dialogue are less effective, less transparent, do not allow for proper public scrutiny and do not yield case-law.

In the light of this:

1. What is the Commission’s response to the findings of the study, does it acknowledge the ongoing steep decline in enforcement, and does it agree that this amounts to dereliction of duty?

2. Please describe in detail the current Commission internal methodology regarding infringement proceedings, and specifically what remains of the EU Pilot in terms of pre-infringement contacts with Member State governments, what criteria determine whether a court proceeding is launched, and to what extent the Commission relies on private enforcement.

3. Can the Commission demonstrate whether the methodology has led to better compliance by Member States, and if so, how?