

**Priority question for written answer P-002689/2022
to the Commission**

Rule 138

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Subject: Monitoring the correct application of EU legislation

One of the Commission's primary roles is to monitor the implementation of EU legislation and to ensure that statutes and practices in the Member States comply with EU law.¹

According to the Communication on better application of EU law², the Commission will investigate cases of incorrect transposition by Member States, where it concerns systematic weaknesses in a Member State's legal system, where national law does not provide for effective redress mechanisms, or where effective implementation of EU law is otherwise prevented. It is not a priority of the Commission to be involved in individual cases of incorrect application of EU law.

A complaint submitted to the Commission³ describes a procedure where the national licensing authority of a Member State in the procedure laid down in the Environmental Impact Assessment (EIA) Directive⁴ first approved an inadequate environmental impact assessment, thereby denying citizens the opportunity to take part in decision-making on the environment. After this, the authority refused to revise the environmental impact assessment on the grounds that national legislation did not recognise such a procedure.

This a procedure and the inadequate transposition of EU law systematically prevent the correct application of the EIA Directive and the implementation of the rights of citizens to participate in decision-making on the environment. However, the Commission, referring to the Communication mentioned above, has decided not to take any further action regarding the complaint.

In view of this:

1. How does the Commission determine whether a complaint concerns only the incorrect application of EU law in an individual case or whether it is an issue of wider principle or systematic non-compliance with EU law?
2. How does the Commission ensure that the correct application of EU law is monitored appropriately and that its tools for this purpose, such as the Communication, are properly implemented?

¹ Treaty on European Union (TEU), Article 17(1).

² Communication from the Commission - EU law: Better results through better application (2017/C 18/02)

³ Complaint CHAP(2022)00278 v Finland.

⁴ Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.