



**2015/2326(INI)**

22.4.2016

# **OPINION**

of the Committee on Petitions

for the Committee on Legal Affairs

on monitoring the application of Union law: 2014 Annual Report  
(2015/2326(INI))

Rapporteur: Cecilia Wikström

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## SUGGESTIONS

The Committee on Petitions calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Reiterates that the problems of implementation and enforcement of EU law have been longstanding, and supports the effective application of common EU rules in the Member States, which is vital to strengthening the credibility of the Union and to meeting citizens' expectations of the benefits that the EU can bring them;
2. Stresses the Commission's essential role in overseeing the application of EU law and submitting its annual report to Parliament and the Council; calls on the Commission to continue its active role in developing various tools to improve EU law implementation, enforcement and compliance in Member States, and to provide data, in addition to that on the implementation of EU directives, on implementation of EU regulations in its next annual report;
3. Acknowledges that Parliament also plays a crucial role by exercising political oversight of the Commission's enforcement actions, scrutinising the annual reports on monitoring the implementation of EU law and adopting relevant parliamentary resolutions; suggests that Parliament could contribute further to the timely and accurate transposition of EU legislation by sharing its expertise in the legislative decision-making process through pre-established links with national parliaments;
4. Recalls the importance of petitions and questions received by Parliament under Article 227 TFEU, which often trigger infringement procedures initiated by the Commission against a Member State; stresses that individual citizens' complaints are one of the main sources for determining weaknesses and detecting shortcomings and breaches of EU law by the Member States and a source of information for the Commission; notes that, in 2014, members of the public, businesses, NGOs and other organisations remained very active in reporting potential breaches of EU law and, as a result, in 2014 the total number of open complaints increased by approximately 5.7 %, and 1 208 new EU Pilot files were opened; acknowledges at the same time the number of processed complaints and EU Pilot files in 2014 and appreciates the 75 % resolution rate of EU Pilot files as a quick and effective problem-solving method;
5. Acknowledges the impact of effective application of EU law on strengthening the credibility of the EU institutions; appreciates the importance attributed in the Commission's annual report to petitions submitted by citizens, businesses and civil society organisations as an important secondary means of monitoring the application of EU law and identifying possible loopholes in it through direct expression by citizens of their views and experiences – in addition to their primary avenue for democratic expression: elections and referendums, a fundamental right enshrined in the Lisbon Treaty and an important element of European citizenship;
6. Points out that differences in the implementation and transposition of EU law by the Member States create continuous obstacles for businesses and citizens, in particular those who want to benefit from the achievements of the internal market and live, work, do business or study in another Member State; stresses that delays in transposition also have

a negative impact on legal certainty; reiterates its position that the Commission should make compliance with EU law a genuine political priority through effective cooperation with the institutions, with special regard to the Council, in particular by means of systematic recourse to correlation tables, and with Member States and other interested parties; underlines the primary responsibility of the Member States to implement and apply EU law correctly;

7. Acknowledges the administrative guarantees granted to complainants, such as the timely provision of information, and notification, in respect of their complaints, as also requested by the Committee on Petitions in its 2015 opinion on the aforementioned report; regrets, however, the delays in receiving responses from the Commission regarding numerous petitions when it is asked to give an opinion, and urges the Commission to improve its current practices in order to inform citizens in a timely and appropriate manner of any actions and steps taken in response to processing their complaints; stresses that the quality of its treatment of petitions on a case-by-case basis should not in any case be undermined by a higher volume of petitions received;
8. Notes the positive impact of the EU Pilot project on the exchange of information between the Commission and the Member States, and on the resolution of problems relating to the application of EU law at national level, and asks the Commission to pay special attention to the actual enforcement and internal review of decisions taken during the EU Pilot process; stresses that this can also provide valuable information for pending petitions, and invites the Commission to involve the petitioners in the process of EU Pilot cases deriving from petitions, inter alia in order to facilitate dialogue between petitioners and the national authorities concerned; welcomes the Member States' increasing efforts to settle infringement cases before the court procedure stage; notes that preliminary rulings help clarify questions on application of EU law and can prevent infringement procedures;
9. Calls for Parliament, and in particular the Committee on Petitions, to promote awareness-raising campaigns on the citizens' complaint system for breaches of EU law, the EU Pilot project and infringement procedures, enhancing broader use and facilitating public access to information through Parliament's website;
10. Welcomes the commitment shown by Commission services to strengthening the exchange of information with the Committee on Petitions, and reiterates its requests for improved communication between the two parties, in particular with regard to the initiation and conduct of infringement procedures by the Commission, including the EU Pilot procedure, and for efforts to be made to provide the Committee on Petitions with information within a reasonable timeframe, thus allowing it to respond to citizens' requests more effectively; recalls its repeated request to the Commission to take into account in its monitoring and legislative work the reports and findings of the Committee on Petitions;
11. Welcomes the improved provision of information by the Commission to citizens about their rights and about suitable mechanisms of redress through webpages, databases, simpler complaint forms and online problem-solving tools, which aim at increased transparency; welcomes in this regard the better online accessibility of the decisions on infringements and the renewed 'Applying Union law' web section of the Europa portal and 'Europa portal Your rights', which gives citizens relevant information about how EU law has been applied in the Member States and about how to file a complaint; stresses that

further measures are needed to provide better access to information on the application of EU law and problem-solving instruments and improve the handling of complaints from EU citizens and businesses about breaches of EU law;

12. Calls on the Commission to interlink all different portals, access points and information websites in a single gateway that will provide citizens with easy access to online complaint forms and user-friendly information on infringement procedures; calls furthermore on the Commission to include in its next monitoring report more detailed information on the use of those portals;
13. Regrets that petitions submitted by EU citizens still refer to violations of EU law; stresses that petitions mainly concern alleged breaches of EU law in the fields of fundamental rights, including the rights of people belonging to minorities and people with disabilities, discrimination, including discrimination based on nationality, the internal market, free movement, transport, the environment, education, employment and health care; considers that these petitions attest to the fact that there are still frequent and widespread instances of late or incomplete transposition, or of misapplication, of EU law, and stresses that the Member States should implement and execute EU law effectively and should legislate with full respect for the fundamental values and principles enshrined in the Treaties and the Charter of the Fundamental Rights of the EU; calls on the Member States to make a substantive improvement in the quality of information exchange with the Committee on Petitions and the clarifications provided; emphasises the need for presence and balanced dialogue with the representatives of the Member States on the petitions concerned during the meetings of the Committee on Petitions; suggests incorporating preventive mechanisms more effectively;
14. Recalls that the area of police and judicial cooperation in criminal matters (previously known as the ‘third pillar’) is frequently addressed in petitions by natural persons; notes that persistent shortcomings such as long delays in national court proceedings concerning matters involving EU law are often identified in the treatment of several petitions; underlines the usefulness and appropriateness of preliminary rulings by the European Court of Justice as guidance for these cases, and regrets the scarce use of such a provision by national courts; welcomes, therefore, the expansion of the Commission’s competences to include police and judicial cooperation as of 1 December 2014; recalls that the examination and treatment of petitions is independent and of a different nature from that of national judiciary procedures;
15. Underlines the importance of implementation plans adopted by the Commission with the aim of assisting and guiding Member States in the timely, clear and correct transposition of EU directives, which is necessary for the EU to operate effectively and viably; welcomes the importance attributed to the Better Regulation agenda, and takes note of the monitoring of EU regulatory fitness through the REFIT programme in the annual report on monitoring the application of Union law; calls on the Commission to actively involve all stakeholders, including social partners, consumer organisations, NGOs and businesses, in the impact assessment of EU legislation, to run the proportionality and subsidiarity check (at ex-ante stage) and to monitor implementation (at ex-post stage); invites the Commission to include in its assessment the measuring and reduction of administrative burdens faced by citizens and to take into account the broader economic, social and environmental impact of EU legislation, and to consider the benefits and values of EU

legislation; reminds the Commission to apply the principles of equal treatment of Member States and impartiality when scrutinising the application of EU law; looks forward to improved quality in EU legislation and a hopefully positive impact on the number of petitions submitted;

16. Emphasises that a more courageous approach should be taken by the Commission when examining petitions raising fundamental rights issues, while bearing in mind the principle of subsidiarity.

## RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	19.4.2016
<b>Result of final vote</b>	+: 26 -: 0 0: 4
<b>Members present for the final vote</b>	Marina Albiol Guzmán, Margrete Auken, Alberto Cirio, Pál Csáky, Miriam Dalli, Rosa Estaràs Ferragut, Eleonora Evi, Peter Jahr, Rikke Karlsson, Jude Kirton-Darling, Notis Marias, Edouard Martin, Roberta Metsola, Marlene Mizzi, Julia Pitera, Gabriele Preuß, Eleni Theoharous, Jarosław Wałęsa, Cecilia Wikström, Tatjana Ždanoka
<b>Substitutes present for the final vote</b>	Enrique Calvet Chambon, Kostadinka Kuneva, Miltiadis Kyrkos, Jérôme Lavrilleux, Julia Reda, Ángela Vallina, Rainer Wieland
<b>Substitutes under Rule 200(2) present for the final vote</b>	José Blanco López, Martina Dlabajová, Zbigniew Kuźmiuk