

Enforcing EU laws

Delivering the benefits to citizens

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USPA NEWS - Today, the European Commission adopted a Communication on the enforcement of EU law, setting out its work to ensure that EU law is complied with and citizens and businesses can benefit from the same rights across the EU. It is thanks to the correct application of EU law that people can breathe cleaner air, travel and work freely anywhere in the EU or get reimbursed for healthcare received abroad. EU law has a real impact on the everyday life of Europeans. This is why enforcement of EU law is a top priority for the Commission.

The Commission's efforts to promote compliance start at an early stage when the EU law is designed and adopted. The Commission has developed a number of measures to support Member States, including practical guidance, funding and monitoring, helping to prevent EU law breaches from happening in the first place. At the same time, when EU law is breached, the Commission does not hesitate to take legal action by launching infringement procedures. In recent years, the Commission has initiated ground-breaking procedures to protect fundamental values: equality, justice and citizenship.

President of the European Commission, Ursula von der Leyen said: "EU law is what makes the EU – free, fair, and equal. It is the driving force behind a greener, more prosperous and digital Europe, where citizens can feel safe and protected. This should be the right for every European without exceptions. This is why we need comprehensive, smart and strategic enforcement of EU law to make sure that Europeans and business can reap the full benefits of what EU has to offer."

The Communication:

Working together with Member States

As the Guardian of the Treaties, the Commission has central responsibility for the enforcement of EU law. However, cooperation with Member States is crucial for that enforcement. The application and enforcement of EU law is the result of a combined effort of various actors like national courts, parliaments, regulatory bodies, consumer or data protection authorities, as well the civil society and the public. In particular, national courts, which are EU courts when applying EU law, have a particularly important role in the enforcement chain since it is through them that citizens can have effective access to redress.

Monitoring and early detection of EU law breaches

Increased transparency and monitoring have proven to be effective in encouraging Member States to move faster towards compliance as well as raising awareness among the wider public. The Single Market Scoreboard, the EU Justice Scoreboard, the European Semester's country-specific reports, the Rule of Law Report, the Environmental Implementation Review or Schengen evaluation are only some of the tools that help to identify potential issues, where enforcement of EU law might be needed.

Smart enforcement and preventing breaches from the outset

To prevent diverging interpretations of newly adopted EU law and to foster a common understanding of existing rules, the Commission provides Member States with practical guidance, meetings and trainings. Beyond the technical assistance the Commission also provides financial support. While the funding available under the European regional and structural funds or the Recovery and Resilience Facility are not enforcement tools, they can drive change and accelerate the implementation of EU law.

Strategic enforcement and pre-infringement process (EU Pilot)

The Commission's goal is to ensure that the benefits of EU law are enjoyed by citizens and businesses as quickly as possible. This is why in some cases, also those more technical, the Commission may decide to use a pre-infringement process, known as EU Pilot, which is likely to lead to swifter compliance than a formal infringement procedure. Over time, the EU Pilot process has proven its value. In 2021, over 80% of EU Pilot processes were successfully resolved. For those cases that do not succeed, infringement proceedings are launched.

Tackling breaches of EU law through legal action

The Commission's use of infringement procedures has evolved over time, giving priority to tackling breaches with the biggest impact on the interests of citizens and businesses. The Commission doubled down on issues concerning environment, digital transition as well as fundamental rights. In fact, the Commission has taken unprecedented legal steps to protect EU's fundamental values, including non-discrimination of LGBT community, media freedom, fight against racism and xenophobia, and judicial independence. In addition, a larger proportion of cases were opened upon the Commission's own investigations, with a steady increase over the past five years despite major crises. Overall, the infringement procedures are bringing results with over 90% of cases being resolved before a referral to the Court of Justice becomes necessary.

Fast and effective reactions to crisis

Crises or emergency situations, such as the COVID-19 pandemic and the Russian war of aggression against Ukraine, put the Member States' full compliance to the test. The Commission has used a wide variety of steps to help Member States adapt to changing circumstances, from proposing new legislation, adapting the existing rules, to offering guidance and financial support. Infringement procedures have also been used where necessary, for instance to prevent export restrictions and to protect the rights of consumers.

Next Steps

Enforcement of EU law is not a one-off event but requires steady and sustained efforts by Member States and the Commission to promote the consistent and effective application of EU rules. A stocktaking exercise is currently under way within the Commission and with Member States to ensure that the best possible enforcement tools are available to make EU law work in practice. Particular attention is given to better monitoring of the proper application of Regulations, and to further increasing transparency of our enforcement activities. The Commission will report on its outcome in 2023.

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