

Better Regulation: the Importance of Enforcement

The European Commission presentation will cover three main areas - the European commission's Better Regulation agenda; how enforcement fits into this strategic framework, and; the scope for further action at EU level on enforcement

Better Regulation is European Union legislation that meets its objectives, maximising benefits at least cost. It is proportionate and fully respects subsidiarity. The European Commission aims to regulate better by applying analytical tools - impact assessment, stakeholder consultation, evaluation along the policy cycle - from preparation to implementation to revision.

Enforcement is a critical part of the policy cycle. The EU is based on law. The Treaties and the EU *acquis* are the basis for EU actions. The effective application of EU law, from its implementation to enforcement, are essential to deliver the benefits of EU policies for citizens and business to make sure that they can enjoy their rights and obtain a rapid and effective redress in the event that their rights are violated. Ensuring the implementation of EU law is therefore a priority for the European Commission. If the law is not implemented or correctly applied, the foundations of the EU are weakened.

Under the European Treaties, Member States are responsible for the timely and accurate transposition of directives as well as the correct application and implementation of the entire *acquis*¹. The Commission monitors the Member States' efforts and ensures that their legislation complies with Union law. Enforcement at EU level is mainly done through the so-called infringement procedure launched by the Commission when EU law is not respected. This starts when the Commission, in the spirit of partnership approach, launches a dialogue with a Member State on alleged breaches of EU legislation. In about 75 % of cases, the problems are resolved at this stage. If not, the Commission can initiate a formal legal procedure and eventually refer a case to the Court of Justice. If need be, financial sanctions imposed by the Court put necessary pressure on the Member States to comply with Court rulings.

Direct application and enforcement by the Commission is done in only a limited number of areas. It consists for the most part in the Commission examining national inspection systems to see if principles and key elements are reflected and if systems are functioning correctly.

The European Commission is engaged in an ongoing effort to facilitate better implementation of EU legislation. This includes better analysis of implementation and enforcement at the policy development stage, facilitating peer discussions and support during the transposition phase, increasing reference to national enforcement and redress mechanisms in EU legislation and enhanced EU support in terms of training, networking and peer exchange.

¹ Article 291(1) of the Treaty on the Functioning of the European Union.