



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Bundesrat for its Opinion on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Enforcing EU law for a Europe that delivers {COM(2022) 518 final}.

Enforcement of EU law by the Commission and Member States is crucial for the EU's success and credibility for Europeans. The Communication is a timely reminder to the public, but also to us, that for people, consumers, and businesses to benefit from the commonly agreed rules, EU law has to be implemented correctly and on time, everywhere in the EU.

The Communication also has the purpose of recalling the wide array of tools and actors involved in enforcing EU law. Too often the public tends to measure our efforts to enforce compliance by the launching of infringement procedures, while crucial work starts much earlier: implementation issues are anticipated when new laws are designed and adopted, and the Commission assists Member States in implementing the new rules correctly. Smart enforcement is about preventing breaches of EU law from happening in the first place.

The Commission appreciates the importance the Bundesrat attaches to the implementation and application of EU law, including the timely transposition of directives. The Lisbon Treaty introduced the possibility for the Commission to ask the Court of Justice of the European Union to impose financial sanctions, when referring Member States to the Court for the first time, for failing to transpose directives adopted under a legislative procedure into their national legal order in time (Article 260(3) of the Treaty on the Functioning of the European Union). The purpose of this novelty was to give a stronger incentive to Member States to transpose directives within the deadlines laid down by the legislator. Observing the agreed transposition deadlines is a prerequisite for the benefits of new EU rules to materialise as soon as possible.

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The Commission's approach of pursuing late transposition cases as a matter of priority, and systematically asking the Court of Justice of the European Union to impose financial sanctions in such cases, has had a positive impact: since the entry into force of the Lisbon Treaty, the number of late transposition cases that the Commission had to refer to the Court have dropped by more than half. However, the number of infringement cases launched because Member States have not communicated their transposition measures to the Commission by the deadline remains high, with 400 to 600 infringement procedures opened per year. The ongoing stocktaking exercise is therefore looking at ways to further improve the cooperation between the Commission and Member States in relation to the swift and correct transposition of directives.

The Commission welcomes the Bundesrat's views that the EU Pilot process has proved a valuable tool in the Commission's approach to enforcing EU law. The Commission decides on the use of an EU Pilot procedure on a case-by-case basis, guided by its overall objective: ensuring that EU law is fully and correctly implemented and applied as soon as possible so that Europeans and businesses can reap the benefits of these commonly agreed rules.

The Commission also welcomes the Bundesrat's support in promoting and defending the equality of all persons, protecting people from discrimination, for example, because of their race, beliefs or sexual orientation. Since the beginning of her mandate, President von der Leyen has been very clear, in her Political Guidelines and elsewhere, that there can be no compromise when it comes to defending our core values. In striving for a Union of equality, it is key that equality and non-discrimination are respected throughout the EU and that citizens can benefit from the same level of protection of their rights wherever they live in the EU. The Commission can assure the Bundesrat that it will spare no efforts to continue its enforcement actions to tackle and prevent discrimination, based on whatever ground, in the EU.

The Commission values the attention that the Bundesrat has given to the Commission's Communication 'Enforcing EU law for a Europe that delivers' and looks forward to continuing our political dialogue on the implementation and application of EU law.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Didier Reynders
Member of the Commission*