



European
Commission

Single Market Scoreboard

EU Pilot

Reporting period:

01/2021 – 12/2021

EU Pilot is a mechanism for informal dialogue between the Commission and the Member State concerned on issues relating to potential non-compliance with EU law. It is used before launching a formal infringement procedure.

EU Pilot in practice

In line with the Communication “EU law: Better results through better application” (C/2016/8600), the Commission applies the EU Pilot mechanism whenever considered useful in a given case. It is not a mandatory step preceding each infringement procedure, but can be used when the issue is likely to be resolved through informal dialogue. Acting on its own initiative or in response to a complaint, the Commission may also need to gather information as to whether EU law is being complied with.

The Commission and Member States share information on particular cases using the EU Pilot online database and communication tool.

In general:

1. The Commission sends a query to the Member State concerned, which as a rule has 10 weeks to reply.
2. The Commission then, as a rule, has 10 weeks to assess the Member State’s response.

3. If the response is unsatisfactory, the Commission may start an infringement procedure.
4. Additional exchanges may occur, with a view to finalising the informal dialogue within a 9-month period.

EU Pilot and the single market – why does it matter?

EU Pilot is used to address potential breaches of EU law – within and beyond single market legislation - through close informal cooperation between the Commission and the Member State concerned. The informal dialogue with the Member State may either lead to the issue at stake being resolved or help the Commission identify more clearly potential breaches of EU law requiring the launch of an infringement procedure. The information in the EU Pilot system complements data on infringements by providing the Commission insight on issues of potential non-compliance with EU law.

More information on its use and its value can be found in the Communication 'Enforcing EU law for a Europe that delivers' (COM(2022)518 final).

Key messages

- 2021 confirmed the trend of more frequent use of the EU Pilot dialogue, in particular for topics related to asylum, indirect taxation, energy and the environment.
- Commission departments used the EU Pilot dialogue, among others, as an efficient means to check and clarify transposition issues or to remind Member States of their notification and reporting obligations.
- With 81% of cases closed without launching an infringement procedure, the resolution rate was significantly higher in 2021 than in 2020 (63%).
- The policy area with the most EU Pilot files that led to formal infringement procedures is environment (10 cases).

Priorities

The Commission's objective is to further improve the effectiveness, efficiency and speed of the EU Pilot process, in line with its enforcement policy and in close cooperation with the Member States.

Facts and figures

The scope of the EU Pilot dialogue goes beyond single market legislation and covers the whole body of EU law. Therefore, the information provided below is not only limited to single market issues but also includes other areas of EU legislation. For complete information on the EU Pilot dialogue, see the 2021 Annual report on monitoring the application of Union law.

2021 in figures

- **New cases opened during the year:** 246
- **Cases processed and closed in 2021:** 223
- **Cases still open at the end of year*:** 561

* including cases opened in previous years

Infringement proceedings opened following the closure of EU Pilot cases: 18

Member States with the highest number of new EU Pilot cases:

- Spain: 19
- France: 15
- Germany and Greece: 14 (each)

Main policy areas of the 246 new cases:

- **Migration and home affairs:** (55 cases) — asylum / anti-drugs policy / cybercrime / legal migration and integration / Schengen management and borders
- **Taxation and Customs Union:** (51 cases) — indirect taxation / customs / direct taxation
- **Energy:** (39 cases) — energy efficiency / internal energy market and consumer protection / hydrocarbons
- **Environment:** (25 cases) — water / air / nature

These policy areas represent 69% of all new EU Pilot cases.

The graph below shows newly opened EU Pilot cases during 2021 by policy area:

