



Press Release

Luxembourg, 3 September 2018

European Commission oversight of Member States' application of EU Law to be strengthened, say Auditors

Opportunities exist for the European Commission to further strengthen its oversight of the way EU law is applied in the Member States, according to a new Landscape Review by the European Court of Auditors. The review looks at the Commission's oversight activities and identifies challenges and opportunities ahead. It also points to the need for transparency, accountability and audit in applying EU law.

The European Commission has an obligation under the Treaty of the European Union to oversee Member States' application of EU law. This is essential for ensuring the EU's overall performance and accountability. The Commission's oversight activities focus on managing the risk of potential breaches of EU law by Member States that may lead to formal infringement proceedings.

The auditors' review covered different EU policy areas where Member States must apply EU law in their jurisdiction and the oversight activities of the Commission's directorates general responsible for those areas. A review is not an audit; it presents descriptions and analysis based on published information and information that participants in the review have agreed to make public.

"The Commission faces a complex legal landscape both at EU and Member State level, making the oversight of applying EU Law a challenging activity," said Leo Brincat, the Member of the European Court of Auditors responsible for the review. "Our review highlights a number of opportunities for strengthening the Commission's oversight function by building further on key features and strengths of the Commission's current approach."

A number of factors influence the risk of infringements and pose challenges to overseeing the application of EU law. They include the size of the body of law to be monitored and the complexity of many legal instruments, the relatively ready availability of EU funds and the existence of alternatives to the infringement procedure in different policy areas, and Member States' legislative and oversight arrangements.

The auditors highlight a number of ways in which the Commission has responded so far. It has set priorities for enforcement and benchmarks for handling citizens' complaints and suspected infringements. It has organised its oversight by policy area and embedded it within the Better

The purpose of this press release is to convey the main messages of the European Court of Auditors' landscape review. The full review is available at www.eca.europa.eu.

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Regulation agenda, the system for designing policies and laws so that they achieve their main objectives, allowing evidence-based public choices. It systematically checks how EU legislation has been implemented in national law, harnesses citizens' complaints and conducts investigations to identify suspected cases of non-compliance, and it has strengthened cooperation and information exchange with Member States to promote compliance. It communicates directly with stakeholders and reports publicly about its oversight activities.

The review also provides examples of the work of Member States' Supreme Audit Institutions with respect to compliance at national level and highlights the scope for the European Court of Auditors to carry out work on the oversight arrangements at EU level.

The auditors set out a range of considerations on how the European Commission could address the challenges and seize the opportunities for improvement highlighted in their review. They invite the Commission to consider strengthening its oversight function further by:

- applying the Better Regulation approach to its enforcement policy and conducting a stock-take of its oversight activities;
- using the EU budget in a more coordinated manner to help ensure Member States apply EU law;
- encouraging directorates general in different policy areas to share their knowledge of and expertise on Member States;
- promoting compliance in a manner that is more targeted to the needs of individual Member States and more consistent across different policy areas;
- developing enforcement priorities and benchmarks into an overall framework for managing oversight;
- providing more aggregated information and analysis for stakeholders.

Notes to Editors

Landscape reviews are descriptive and analytical documents of complex, largescale policy areas or management issues, in which the European Court of Auditors (ECA) sets out its accumulated experience and knowledge on the selected topic, often from a cross-cutting perspective.

ECA landscape review "Putting EU law into practice: The European Commission's oversight responsibilities under Article 17(1) of the Treaty on European Union" is available on the ECA website (eca.europa.eu) in English; other languages will be added in due course.

On Monday 24 September in Brussels, the ECA will hold a conference to discuss with various stakeholders this landscape review and putting EU law in practice in general. A limited number of places will be available for the press. If you wish to attend and to obtain more information, please contact the ECA press office and register your interest at your earliest convenience and before 10 September 2018.