

Amendment 1

Gilles Lebreton, Gunnar Beck, Jean-Paul Garraud
on behalf of the ID Group

Report**A9-0270/2020****Sabrina Pignedoli**

Monitoring the application of EU law 2017, 2018 and 2019
(2019/2132(INI))

Motion for a resolution**Recital G***Motion for a resolution*

G. whereas respect for the rule of law is the cornerstone of democracy, and underpins fundamental rights; whereas upholding the rule of law is a prerequisite for upholding all rights and obligations deriving from the Treaties and secondary legislation; ***whereas the EU has a role to play in resolving rule of law issues wherever they appear***; whereas national courts in Member States ensure that the rights and obligations provided for under EU law are enforced effectively; whereas independent and effective justice systems in Member States are the basis for mutual trust, which is the bedrock of the common area of freedom, security and justice , an investment-friendly environment, the sustainability of long-term growth, and the protection of EU financial interests;

Amendment

G. whereas respect for the rule of law is the cornerstone of democracy, and underpins fundamental rights; whereas upholding the rule of law is a prerequisite for upholding all rights and obligations deriving from the Treaties and secondary legislation; whereas national courts in Member States ensure that the rights and obligations provided for under EU law are enforced effectively; whereas independent and effective justice systems in Member States are the basis for mutual trust, which is the bedrock of the common area of freedom, security and justice , an investment-friendly environment, the sustainability of long-term growth, and the protection of EU financial interests;

Or. en

13.1.2021

A9-0270/2

Amendment 2

Gilles Lebreton, Gunnar Beck, Jean-Paul Garraud

on behalf of the ID Group

Report

A9-0270/2020

Sabrina Pignedoli

Monitoring the application of EU law 2017, 2018 and 2019
(2019/2132(INI))

Motion for a resolution

Recital L

Motion for a resolution

L. whereas, ***according to the Commission report***, Council Framework Decision 2008/841/JHA on the fight against organised crime⁴ ***does not achieve the necessary minimum degree of approximation as regards directing or participating in a criminal organisation on the basis of a single definition of such an organisation; whereas the Framework Decision enables the Member States not to introduce the concept of criminal organisation into their national law, but to continue to apply current national criminal law by having recourse to general rules on participation in and preparation of specific offences, and whereas this may have the effect of creating additional disparities in the framework decision's practical implementation;***

⁴ Report from the Commission to the European Parliament and the Council based on Article 10 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (COM(2016)0448).

Amendment

L. whereas Council Framework Decision 2008/841/JHA on the fight against organised crime⁴ ***has the merit of allowing*** Member States to continue to apply ***existing*** national criminal law ***while encouraging them to cooperate;***

⁴ Report from the Commission to the European Parliament and the Council based on Article 10 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (COM(2016)0448).

Or. en

13.1.2021

A9-0270/3

Amendment 3

Gilles Lebreton, Gunnar Beck, Jean-Paul Garraud
on behalf of the ID Group

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A9-0270/2020

Sabrina Pignedoli

Monitoring the application of EU law 2017, 2018 and 2019
(2019/2132(INI))

Motion for a resolution

Recital M

Motion for a resolution

M. whereas the refugee crisis has demonstrated the need *for urgent reform of the common European asylum system and for more effective burden sharing among Member States; whereas the mandatory schemes for the emergency relocation of asylum seekers from Italy and Greece have proved ineffective, involving, in particular, serious physical and psychological consequences on minors, and especially unaccompanied minors; whereas the Commission has launched infringement procedures against Czechia, Poland and Hungary for refusing to comply with relocation decisions;*

Amendment

M. whereas the refugee crisis has demonstrated the need *to be* more effective *in stemming the mass immigration of which the European Union is a victim*, in particular *by taking more effective action against the networks of smugglers, as well as against the countries and NGOs providing assistance to them;*

Or. en

13.1.2021

A9-0270/4

Amendment 4

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on behalf of the ID Group

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A9-0270/2020

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Monitoring the application of EU law 2017, 2018 and 2019
(2019/2132(INI))

Motion for a resolution

Recital N

Motion for a resolution

N. whereas the Schengen Borders Code allows internal border checks to be reinstated temporarily ***only*** in exceptional circumstances ***and as a last resort***; whereas many Member States have ***breached the rules by keeping border checks in place without due justification***; whereas the Commission has not seen fit to bring infringement procedures against these Member States;

Amendment

N. whereas the Schengen Borders Code allows internal border checks to be reinstated temporarily in exceptional circumstances, whereas many Member States have ***rightly made use of this possibility, and*** whereas the Commission has not seen fit to bring infringement procedures against these Member States ***for breach of EU law***;

Or. en

13.1.2021

A9-0270/5

Amendment 5

Gunnar Beck

on behalf of the ID Group

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A9-0270/2020

Sabrina Pignedoli

Monitoring the application of EU law 2017, 2018 and 2019
(2019/2132(INI))

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Welcomes the Commission's 2017, 2018 and 2019 reports on monitoring the application of EU law, including the country-specific reports; recognises that these annual reports, the right of petition and the European Citizens' Initiative are valuable tools for enabling EU legislators to identify potential issues; **welcomes** the Commission's **commitment to attaching great importance to the contribution of citizens, businesses and other stakeholders in detecting breaches of EU law**; **urges the Commission to enhance public debate on its annual reports**;

Amendment

1. Welcomes the Commission's 2017, 2018 and 2019 reports on monitoring the application of EU law, including the country-specific reports; recognises that these annual reports, the right of petition and the European Citizens' Initiative are valuable tools for enabling EU legislators to identify potential issues; **notes that** the Commission's **first yearly Rule of Law Report seems somewhat selective, i.e. it does not cover any and all issues that spring to mind, but rather appears to be agenda driven, so as to cover breaches in Hungary but perhaps not so much those in other Member States**; **considers that the report might also serve to identify potential issues with the application of EU law by and through the EU and its institutions, insofar that this is not covered by the European Court of Auditors, especially when the EU acquires for itself further competences in areas which were formerly left to the Member States**;

Or. en

13.1.2021

A9-0270/6

Amendment 6

Gilles Lebreton, Gunnar Beck, Jean-Paul Garraud
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Report

A9-0270/2020

Sabrina Pignedoli

Monitoring the application of EU law 2017, 2018 and 2019
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Motion for a resolution

Paragraph 2

Motion for a resolution

Amendment

2. Notes a significant number of petitions expressing citizens' concerns over alleged violations of the rule of law in the Member States, and welcomes the participation of citizens in exercising their rights; takes the view that monitoring is essential for identifying and precluding risks to the rule of law and the rights and freedoms of EU citizens before they require a formal response; ***welcomes, in this regard, the Commission's first yearly Rule of Law Report as a new preventive tool and as part of the new annual European Rule of Law Mechanism; reiterates its support for the establishment of an EU mechanism on democracy, the rule of law and fundamental rights, to be governed by an interinstitutional agreement;***

2. Notes a significant number of petitions expressing citizens' concerns over alleged violations of the rule of law in the Member States, and welcomes the participation of citizens in exercising their rights; takes the view that monitoring is essential for identifying and precluding risks to the rule of law and the rights and freedoms of EU citizens before they require a formal response;

Or. en

13.1.2021

A9-0270/7

Amendment 7

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Motion for a resolution

Paragraph 5

Motion for a resolution

Amendment

5. *Underlines the crucial role of the Court of Justice of the European Union (CJEU) as the sole institution in charge of ruling on the validity of EU law, thus ensuring its correct interpretation and application by EU institutions and Member States; recalls that the preliminary ruling procedure is a fundamental mechanism of EU law that helps to clarify how EU law is to be interpreted and applied; encourages national courts to refer questions to the CJEU in the event of doubt, and thereby prevent infringement proceedings;* *deleted*

Or. en

13.1.2021

A9-0270/8

Amendment 8

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Motion for a resolution

Paragraph 8

Motion for a resolution

8. Emphasises that a lack of enforcement ***not only*** undermines the efficiency of the internal market, ***but also has a direct impact on individual rights, and thus affects the credibility and image of the Union***; considers that the large number of infringement procedures shows that ensuring the timely, correct and effective application of EU law in the Member States remains a serious challenge and priority; calls on the Commission to provide more information on the criteria applied under the new methodological approach applied from 2017 aiming to determine the most serious infringement cases and complaints about EU law; regrets that the growing number of procedures has led to the average time taken to investigate potential breaches of EU law to increase continuously since 2017; calls on the Commission to reduce the average time for dealing with complaints and infringement procedures; calls on the Commission, when appropriate, to drastically reduce the time taken to bring a Member States before the Court pursuant to Article 258 of the TFEU and Article 260 of the TFEU;

Amendment

8. Emphasises that a lack of enforcement undermines the efficiency of the internal market; considers that the large number of infringement procedures shows that ensuring the timely, correct and effective application of EU law in the Member States remains a serious challenge and priority; calls on the Commission to provide more information on the criteria applied under the new methodological approach applied from 2017 aiming to determine the most serious infringement cases and complaints about EU law; regrets that the growing number of procedures has led to the average time taken to investigate potential breaches of EU law to increase continuously since 2017; calls on the Commission to reduce the average time for dealing with complaints and infringement procedures; calls on the Commission, when appropriate, to drastically reduce the time taken to bring a Member States before the Court pursuant to Article 258 of the TFEU and Article 260 of the TFEU;

Or. en

13.1.2021

A9-0270/9

Amendment 9

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A9-0270/2020

Sabrina Pignedoli

Monitoring the application of EU law 2017, 2018 and 2019
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Motion for a resolution

Paragraph 11

Motion for a resolution

11. Acknowledges the work carried out by the European Commission and ***its respect*** for the principle of subsidiarity; highlights the crucial role of national parliaments, and, where relevant, regional parliaments, in the pre-legislative scrutiny of draft EU laws; notes that current forms of cooperation with national parliaments could be improved; regrets the current structure of the procedure for the subsidiarity control mechanism, which compels EU committees in national parliaments to dedicate excessive time to technical and legal assessments while having to comply with short deadlines; suggests a revision of these mechanisms in order to make them more functional and effective, and to allow for the development of a more political approach to subsidiarity control across the EU; suggests further involvement of the European Committee of the Regions, representing regional and local authorities, in subsidiarity control;

Amendment

11. Acknowledges the work carried out by the European Commission and ***the need for strict application of*** the principle of subsidiarity ***by all the EU institutions, as well as its enforcement by the Member States before the Court of Justice;*** highlights the crucial role of national parliaments, and, where relevant, regional parliaments, in the pre-legislative scrutiny of draft EU laws; notes that current forms of cooperation with national parliaments could be improved; regrets the current structure of the procedure for the subsidiarity control mechanism, which compels EU committees in national parliaments to dedicate excessive time to technical and legal assessments while having to comply with short deadlines; suggests a revision of these mechanisms in order to make them more functional and effective, and to allow for the development of a more political approach to subsidiarity control across the EU; suggests further involvement of the European Committee of the Regions, representing regional and local authorities, ***and the Member States*** in subsidiarity control;

Or. en

13.1.2021

A9-0270/10

Amendment 10

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Report

A9-0270/2020

Sabrina Pignedoli

Monitoring the application of EU law 2017, 2018 and 2019
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Motion for a resolution

Paragraph 12

Motion for a resolution

12. Is seriously concerned that many Member States have not yet implemented the Anti-Money Laundering Directives (4AMLD and 5AMLD); urges the Member States to urgently and duly transpose these directives; welcomes the Commission's adoption of the communication entitled 'Towards a better implementation of the EU framework on combating money laundering and terrorist financing', which, together with a series of reports, can provide support to European and national authorities in better tackling money laundering, including the risk of terrorist financing;

Amendment

12. Is seriously concerned that many Member States have not yet implemented the Anti-Money Laundering Directives (4AMLD and 5AMLD); urges the Member States to urgently and duly transpose these directives; welcomes the Commission's adoption of the communication entitled 'Towards a better implementation of the EU framework on combating money laundering and terrorist financing', which, together with a series of reports, can provide support to European and national authorities in better tackling money laundering ***by financial institutions, other transnational businesses, non-governmental organisations and third-country-financed foundations and charities***, including the risk of terrorist financing;

Or. en