

Joint Political Declaration of 27 October 2011 of the European Parliament, the Council and the Commission on explanatory documents

(2011/C 369/03)

The institutions acknowledge that the information Member States supply to the Commission as regards the transposition of directives in national law 'must be clear and precise' ⁽¹⁾, in order to facilitate the achievement by the Commission of its task of overseeing the application of Union law.

Against this background, the European Parliament and the Council welcome the Joint Political Declaration of Member States and the Commission on explanatory documents of 28 September 2011.

Consequently, where the need for, and the proportionality of, the transmission of such documents is justified in accordance with the Joint Political Declaration of Member States and the Commission on explanatory documents of 28 September 2011, the Institutions agree to include the following recital in the directive concerned:

'In accordance with the Joint Political Declaration of Member States and the Commission on explanatory documents of 28 September 2011, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.'

By 1 November 2013, the Commission will report to the European Parliament and to the Council on the implementation of the two Joint Political Declarations on explanatory documents.

The Institutions undertake to apply these principles as from 1 November 2011 to new and pending directive proposals, with the exception of those on which the European Parliament and the Council have already reached an agreement.

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⁽¹⁾ See Judgment of the Court of Justice of 16 July 2009 in case C-427/07, point 107 and the case-law cited therein.