

Transposition of EU legislation into national law

Practical manual for national authorities

- Updated on 30 June 2026-

Disclaimer

This manual is a non-binding support tool in which the Commission provides practical information on the transposition and implementation of EU legislation. Views expressed in this manual reflect only the understanding of the Commission services and are without prejudice to any Commission action or position on the matter. The information provided does not prejudice the Commission's assessment of the completeness or conformity of national transposition measures, nor of their capacity to satisfy the requirements of legal certainty imposed by the General Court and the Court of Justice of the European Union, which is the only source of definitive interpretation of EU law.

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Scope and purpose of the manual

This manual is intended to contribute to a better understanding of the transposition and implementation of EU legislation, in particular of directives, and to provide practical and operational guidance for national authorities, and to optimise national processes through sharing of best practices across Member States. It is addressed to the transposing authorities in the Member States. It is built on experience and consultation among all the interested parties (Member States, Directorate-Generals of the Commission, Legal Service and Secretariat-General of the Commission).

As this manual reflects the processes, case law and Member States' obligations at the time of its drafting, the guidance offered may be subject to later modification.

1. Legal context and principles

1.1. The EU legal framework

1.1.1. EU legal acts

Under Article 2 of the Treaty on European Union (TEU), the European Union is founded on the rule of law. Proper implementation of EU law is essential for the delivery of EU policy as defined in the Treaties (TEU and TFEU) and secondary legislation.

According to Article 4(3) TEU, Member States must implement the treaty obligations and those arising from secondary measures adopted at EU level. The role of the Commission, as guardian of the Treaties, is to ensure the correct application of those obligations (Article 17(1) TEU).

The primary sources of EU law are the Treaties that establish the Union, including the **Treaty on European Union and the Treaty on the Functioning of the European Union**. These Treaties set out the objectives, principles, and institutional framework of the EU, and provide the legal basis for its actions.

In addition to the Treaties, EU law also encompasses regulations, directives, decisions, and other legal acts that are adopted by the EU institutions.

Legislative acts are adopted following one of the legislative procedures set out in the EU treaties (ordinary or special). Non-legislative acts do not follow these procedures and can be adopted by EU institutions according to specific rules.

Article 288 TFEU defines the legal acts of the European Union and specifies their binding nature and applicability¹.

Regulations and decisions become directly applicable throughout the EU on their date of application. They should not be ‘transposed’ into the national order as they apply directly and in a harmonised manner in all the Member States. However, they may require changes in national legislation, for example to repeal legislation which is contrary to the regulation and would impede its implementation, and may require implementation by national bodies, agencies or regulators. Regulations might also require Member States to notify measures (such as sanctions), authorities or data to the Commission services.

Directives lay down certain results that must be achieved in every Member State, be it legal, technical or procedural. Consequently, national authorities must systematically incorporate (transpose) directives into their national legislation. Each directive specifies the date(s) by which the transposition process must be finalised - giving national authorities the room for manoeuvre within the deadlines necessary to take account of differing national situations. Member States must notify the national transposition

¹ Article 288 TFEU:

To exercise the Union's competences, the institutions shall adopt regulations, directives, decisions, recommendations and opinions.

A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States.

A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

A decision shall be binding in its entirety. A decision which specifies those to whom it is addressed shall be binding only on them.

Recommendations and opinions shall have no binding force.

measures to the Commission in a specific notification procedure through THEMIS/Directives and must declare their transposition to be complete or partial, if further measures remain still to be adopted. **All** measures transposing the directive must be notified. If a directive has more than one transposition deadline, it is necessary to make sure to notify measures under the correct deadline.

Delegated acts and implementing acts are another category of EU legal acts that can be used to amend/supplement or for the latter implement the legislative framework established by the Treaties and EU legislative acts. They are adopted according to specific rules in the legislative act in question and have legally binding force.

Delegated acts are legally binding acts that enable the Commission to supplement or amend non-essential parts of EU legislative acts, for example, to define more detailed measures. The European Parliament and the Council confer the authority to draft and adopt delegated acts to the European Commission. However, this delegation is strictly limited to specific areas outlined in the basic act and excludes essential elements of policy, ensuring that primary decision-making remains within the hands of elected representatives. Delegated acts can take the form of regulations, directives or decisions. Individual measures cannot be subject to delegation. The Commission adopts the delegated act and, if Parliament and Council have no objections, it enters into force.

Implementing acts are legally binding acts that enable the Commission to set conditions that ensure that EU acts are applied uniformly. That is done with the involvement of comitology – committees consisting of national representatives if the legal basic act so provides by reference to the comitology Regulation 182/2011 – to set conditions that ensure that EU laws are applied uniformly. These acts are adopted by the Commission by legally binding acts that specify the technical details necessary for the implementation of EU regulations or directives. Implementing acts are not subject to the same level of scrutiny as delegated acts, but they are still subject to control by the Member States and the European Parliament. Implementing acts are a matter for the Council only in specific cases which are duly justified and in areas of common foreign and security policy.

Most delegated and implementing acts take the form of Commission Regulations and are therefore **directly applicable**. However, **both – delegated and implementing acts – can take the form of a Commission directive** and need therefore to be transposed into the national legal framework of the Member States. In this case, Member States must notify their measures of transposition in THEMIS/Directives and must declare their transposition to be complete. These non-legislative acts are not subject to the procedure laid down in Article 260(3) TFEU, meaning that, for the failure to communicate national transposition measures, the Court cannot impose financial sanctions in its first judgment.

The authoritative interpretation of EU law is provided (only) by the **Court of Justice of the European Union**. The Commission as guardian of the Treaties, ensures that EU law is respected by the Member States and applied consistently and effectively across the Union.

EU legal acts adopted in a given period can be consulted [in EUR-Lex](#).

1.1.2. Better Regulation and implementation

Through its ‘Better regulation’ policy, the Commission has committed to design, deliver and support the implementation of high-quality legislation. The Commission operates one of the most advanced

better regulation systems, as recognised by the OECD², combining evidence, impact analysis and broad stakeholder consultation.

The 2026 Communication ‘A Simpler, Clearer and Better Enforced EU Rulebook’³ streamlines procedures and strengthens the evidence-base of the Commission proposals, ensuring stricter application of proportionality and introducing measures for better implementation and faster enforcement.

The Commission identified in this Communication several initiatives with a direct impact on the implementation of EU rules by Member States.

It announced that the Commission will seek, in upcoming legislative proposals, to only propose well-designed empowerments for delegated and implementing acts which are strictly necessary to effectively implement and enforce EU rules or international obligations.

The Communication also referred to the importance of the choice of the right legal instrument and degree of harmonisation. The choice of the legal act must be well founded, based on the Treaties as well as on its aim and content. It stated that *‘for issues with a strong single market dimension and where EU competence so allows, a more systematic use of exhaustive regulations can limit top-up obligations and regulatory fragmentation, including through gold-plating. In those instances, preference should be given to complete harmonisation, with exceptions requiring solid justification’*.

The Commission *‘will pay particular attention to ensure that legislation is designed with implementation in mind from the outset. [...] The Commission will also step up efforts to ensure that transposition and implementation deadlines are feasible and credible, based on realistic estimates of the time required to develop implementing measures and digital tools, and to allow businesses and national authorities sufficient time to adapt.’*

Finally, the Commission will consider enforcement mechanisms from the outset when producing EU legislation. Such mechanisms could relate to the designation of national enforcement authorities and the setting out of their enforcement powers, robust fact-finding powers for the Commission in certain areas and robust prior notification mechanisms for draft national legislation, with a binding compatibility assessment by the Commission so that identified issues are eliminated before the national measures have been adopted.

To go further:

- https://commission.europa.eu/law/law-making-process/better-regulation_en
- https://commission.europa.eu/law/law-making-process/better-regulation/simplification-implementation-enforcement_en

² OECD Regulatory Policy Outlook 2025, https://www.oecd.org/en/publications/oecd-regulatory-policy-outlook-2025_56b60e39-en.html

³ [Communication of the Commission ‘A Simpler, Clearer and Better Enforced EU Rulebook’ COM\(2026\) 380 final](#)

1.2. Transposition of directives

According to Article 288 TFEU, ‘*a directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods*’.

Transposition is the process of incorporating EU directives into the national laws of EU Member States. The Member States must adopt national measures achieving the objectives set by the directive by the deadline(s) specified in the directive itself. Member States must notify their national transposition measures to the European Commission. Transposition must take place by the deadline(s) set when the directive is adopted. In practical terms, this deadline is typically set out in an article titled ‘Transposition’ with wording on the lines of ‘*Member States shall adopt and publish, by xx date, the laws, regulations and administrative provisions necessary to comply with this Directive*’. It should be noted that in cases where the article indicates a later date for Member States to apply such measures under the directive, with wording on the lines of ‘*They shall apply these measures from xx date*’, transposition must still be completed by the first, transposition, deadline and not by the date of application.

1.2.1. Transposing requirements

The Court of Justice of the EU provided guidance on several aspects of the transposition process and the obligations on Member States stemming from a given directive⁴.

➤ ***Member States are free to decide upon what is needed to transpose the directive***

Member States may choose the form and methods for transposing directives which best ensure the result to be achieved and the transposition of a directive into national law does not necessarily require legislative action in each Member State⁵. However, it is settled case-law that they are bound by the terms of the directive as to the result to be achieved and the deadline by which the transposition should take place, so that implementation is achieved uniformly throughout the European Union.

The prior existence of national rules could also replace, partially or fully, the need to adopt new legislation to transpose a directive, but only if the national rules effectively guarantee the full application of the directive by the national administration, and if the legal situation resulting from these rules is sufficiently clear and precise so that the beneficiaries are able to know the full extent of their rights and obligations⁶. See also section 2.3.4. regarding the ‘interconnection’ clause.

⁴ This section is not intended to be exhaustive. It only aims to provide operational information on the transposition process based on jurisprudence by the Court of Justice of the EU. This is without prejudice to new jurisprudence that might potentially contradict the information listed in the section. Regular updates are envisaged but might not intervene immediately after new Court rulings.

⁵ Commission/Italie, C-456/03, 16 June 2005, point 51

⁶ Commission/Poland, C-551/08, point 21

➤ ***National transposition measures must be notified to the Commission***

Transposition can only be considered as completed when the national measures have been formally notified by the Member State to the Commission. This is considered by the Court as part of the principle of sincere cooperation⁷.

Even if Member States consider that no new measures need to be adopted, they must actively inform the Commission about the way existing legislation ensures complete transposition⁸.

➤ ***National measures must be notified for each transposition deadline separately***

Member States may not delay the transposition of a directive on the ground that it has been amended by a subsequent directive whose transposition deadline has not yet expired⁹.

➤ ***National transposition measures must be sufficiently clear, precise and legally binding***

Member States must ensure a transposition of directives which fully meets the requirements of clarity and legal certainty. The provisions of a directive must be implemented with unquestionable binding force, as well as with the required specificity, clarity and precision, to satisfy the requirement of legal certainty¹⁰.

In general, a government circular or administrative notice cannot guarantee to enable the directive's beneficiaries to ascertain the full extent of their rights and to rely on it, where necessary, before the national courts¹¹, even more so if such a circular has never been published officially¹².

Mere administrative practices, which by their nature are alterable at will by the authorities and are not given the appropriate publicity, cannot be regarded as constituting the proper fulfilment of obligations to transpose a directive. In the same way, an interpretation, by national courts, of the provisions of national law in accordance with those of a directive cannot in itself achieve the clarity and precision needed to meet the requirement of legal certainty¹³.

➤ ***All obligations must be transposed***

The fact that an activity referred to in a directive does not exist in a particular Member State cannot release that Member State from its obligation to adopt laws or regulations in order to ensure that all the provisions of the directive are properly transposed¹⁴. There are a few exceptions: this is the case where transposition of a directive is pointless for reasons of geography¹⁵. The directive's provisions regarding the action and powers of the European Union institutions and arrangements concerning the relations between Member States and EU institutions also do not need to be transposed into national law¹⁶. Each Member State is free to allocate, as it considers appropriate, competences at internal level and to

⁷ Commission/Italy, 274/83, point 42

⁸ Commission/Italy, C-69/90, points 13 and 14

⁹ Commission/Italy, C-182/94, point 6

¹⁰ Commission/Ireland, C-554/07, point 61

¹¹ Commission/ Greece, C-306/89, points 19 and 20

¹² Commission/Italy, C-95/92, point 8

¹³ Commission/Poland, C-648/13, point 79

¹⁴ Commission/ Ireland, C-372/00, point 11

¹⁵ Commission/ Belgium, C-120/09, point 24, Commission/Ireland, C-372/00, point 13, Commission/UK, C-441/00, point

14

¹⁶ Commission/ France, C-296/01, point 92

implement a directive by means of measures taken by regional or local authorities. This allocation of competences does not, however, exempt it from the obligation to ensure that the provisions of the directive are faithfully translated into national law¹⁷.

➤ ***Transposition requirements remain intact as long as the directive is applicable***

As long as the provisions of a directive are applicable, their transposition must be effective.

The fact that the EU institutions are considering amendments to a directive is not sufficient to release the Member States from the obligation to transpose it within the prescribed time limits¹⁸.

The mere fact that a proposal for a legislative measure, which if adopted and transposed into national law would terminate the infringements alleged by the Commission has already been submitted to the Council does not prevent the Commission from bringing such an action¹⁹.

The fact that the Commission, with a view to a possible amendment to the directive, decided to consult the interested parties cannot dispense the Member States from the obligation to comply with the provision of EU law currently in force²⁰.

➤ ***There are no valid justifications to delay the transposition of a directive***

A Member State cannot rely on difficulties in interpreting a directive to delay transposing it until after the prescribed period has expired²¹.

The Court has held that the fact that a directive is belatedly transposed into national law may not cause the date by which the obligations imposed by a directive have to be fulfilled, to be postponed²². Likewise, the Court has ruled that national legislation which transposes into national law a provision of a directive but defers the entry into force pending the adoption of a subsequent internal measure, is contrary to EU law if that entry into force takes place after the end of the transposition period prescribed by the directive²³.

Practices or situations within the internal legal order of a Member State cannot justify non-compliance with the obligations and deadlines arising from EU directives, nor, consequently, their late or incomplete transposition²⁴.

It is also not possible to justify the failure to transpose a directive by the delay in implementing another one²⁵.

Complexity cannot be invoked by a Member State to postpone the transposition of a directive beyond the prescribed periods²⁶.

¹⁷ Commission/Belgium, 227, 228, 229 and 230/85, point 9

¹⁸ Commission/Germany, C-420/03, point 6; Commission/Italy, C-182/94, point 6; Commission/Belgium, 306/84, point 7

¹⁹ Commission/France, 220/83, point 7; Commission/Denmark, 252/83, point 7; Commission/Germany, 205/84, point 7

²⁰ Commission/France, C-52/00, point 34; Commission/Greece, C-154/0, paragraph 26

²¹ Commission/Germany, C-135/01, point 25

²² Judgment of 9 August 1994, *Bund Naturschutz in Bayern and Others v Freistaat Bayern*, C-396/92, ECLI:EU:C:1994:307, paragraph 18-19.

²³ Judgment of 18 December 2014, *SETAR*, C-551/13, ECLI:EU:C:2014:2467, paragraphs 37 and 40.

²⁴ Commission/Bulgaria, C-186/23, point 49

²⁵ Commission/Spain, C-268/93, points 5 and 6; Commission/Italy, C-139/97, point 10

²⁶ Commission/Italy, C-40/07, point 12

- ***Member States should refrain from taking measures that would compromise the objectives of the directive, even before the transposition deadline is expired***

Although the Member States are not required to adopt measures transposing a directive before the expiry of the period prescribed for that purpose, it follows from the combined application of Article 4(3) TEU and Article 288 TFEU and from the directive itself that, during that period, they must refrain from taking measures likely to seriously compromise the result prescribed by that directive²⁷.

1.2.2. Explanatory documents

Explanatory documents should be seen as a useful support in the transposition process of a directive by the Member States. Moreover, they are crucial for the Commission services to understand how a directive has been transposed into national law. Sufficiently clear and precise explanations on the measures transposing the directive will reduce administrative burden on both sides, caused by unnecessary misunderstandings, information requests or the launch of infringement procedures.

In its seminal judgment of 8 July 2019 in Case C-543/17, the Court held that, when notifying national transposition measures to the Commission, Member States must provide sufficiently clear and precise information and state, for each provision of the directive, the national provision(s) ensuring its transposition. This requirement has since been consistently confirmed by the Court²⁸. Explanatory documents are not mandatory as such, but Member States must notify transposition measures in a manner that enables the Commission to verify their compliance. Where the absence or insufficiency of explanatory information prevents such verification, this may be treated as a failure to notify and may give rise to sanctions under Article 260(3) TFEU²⁹.

The purpose of explanatory documents is twofold. **First**, they support national authorities in the transposition process by clearly identifying each obligation stemming from the directive and, by systematically adding the corresponding national measure transposing each obligation, thus ensuring that the transposition is complete. **Second**, the explanatory documents allow the Commission to verify the completeness and conformity of the transposition.

While the format of explanatory documents can be of various nature, it is of utmost importance to clearly explain how each obligation of the directive has been incorporated into national legislation. The national measure transposing a provision of the directive must be identified precisely; it is not sufficient to refer to the national legislation generally, as this does not satisfy the requirements of precision and clarity imposed by the Court. In Member States with a federal structure, this information must be provided for each relevant level, ensuring that the directive applies to the whole territory of the Member State. Providing good quality and detailed explanations allows avoiding the launch of unnecessary enforcement action either through the pre-infringement dialogue or formal infringement procedures, based on a misconception of the national transposition measures or the inability to identify them. Member States are encouraged to use the template explanatory document prepared by the Commission services (see section 2.2.2. below).

²⁷ Commission/Belgium, C-422/05, point 62; Inter-Environnement Wallonie, C-129/96, point 45 ; Stichting Zuid-Hollandse Milieufederatie, C-138/05, point 42

²⁸ See cases C-550/18, COM v Ireland, C-549/18, COM v Romania, C-628/18, COM v Slovenia, C-658/19, COM v Spain, C-353/22, COM v Sweden.

²⁹ Further explanations available in the Communication ([2023/C 2/01](#))

While, according to Article 288 TFEU, a directive leaves the choice of form and method to the national authorities, it is imperative that national authorities explain how they intend to achieve its binding result. Thus, it is important to identify and explain in the document not only the new provisions of national law that have been specifically adopted for the transposition of such directive, but also those falling in one of the three following categories:

- any pre-existing national legislation adopted before the directive which the Member State considers satisfies certain obligations imposed by the directive;
- general legislation existing in the national legal framework (for instance, penalties regimes) which could be considered to transpose some of the obligations stemming from the directive;
- if relevant, co-existing legal regimes that might have an impact on the transposition of the directive;
- if relevant, practical implementation measures.

These measures should be added to the explanatory document and it should be clearly explained how they are understood and applied in the light of the directive's obligations. All measures that transpose the directive's obligations need to be notified to the Commission in THEMIS/Directives.

The lack of sufficiently clear and precise information meeting the standards imposed by the Court is considered by the Commission as incomplete transposition and can result in infringement procedures based on Article 258 combined with Article 260(3) TFEU. Lack of any information at all on the transposition at national level is considered equivalent to total non-transposition of the directive.

The Commission, in close cooperation with Member States, developed a non-binding template to support national authorities in the drafting process of their explanatory documents. This blank template can be found in the annex of the present manual as well as in THEMIS (HELP section).

For many directives, the Commission uses this template as a basis and adapts it to the specificities of each directive. It adds guidance on the directive's provisions, transposition requirements and contact details. The Commission ensures timely preparation of such template and communicates accordingly to Member States.

1.2.3. Transposition as a priority of the Commission

In its **2007 Communication 'A Europe of results – applying Community law'**³⁰, the Commission indicated that some types of breaches needed priority attention³¹ and introduced indicative deadlines, defined as special benchmarks, applied to monitor the progress of infringement cases. It set the following targets:

- *For cases concerning the non-communication of transposition measures, the target should be that no more than 12 months elapses from the sending of the letter of formal notice to the resolution of the case or seizure of the Court of Justice.*

³⁰ [EUR-Lex - 52007DC0502 - EN - EUR-Lex](#)

³¹ 'Priority should be attached to those infringements which present the greatest risks, widespread impact for citizens and businesses and the most persistent infringements confirmed by the Court. These categories cover: • non-communication of national measures transposing directives or other notification obligations; • breaches of Community law, including non-conformity cases, raising issues of principle or having particularly far-reaching negative impact for citizens, such as those concerning the application of Treaty principles and main elements of framework regulations and directives; • respect for Court judgments declaring the existence of infringements (Article 228 EC Treaty).'

- *Subject to the specific circumstances of exceptional cases, the equivalent period in proceedings to ensure respect for an earlier judgment of the Court should be on average between 12 and 24 months.*

It did not set benchmarks for other priority cases, as the Commission considered that they vary considerably in content and context.

The **2016 Communication ‘EU law: Better results through better application’**³² went a step further and established the foundations of the current enforcement policy of the Commission.

In this Communication, the Commission identified clear priorities linked to the nature of the breach of EU law and announced its intention to be more effective in preventing and where necessary redressing structural violations. *‘As a matter of priority, the Commission will investigate cases where Member States have failed to communicate transposition measures or where those measures have incorrectly transposed directives; where Member States have failed to comply with a judgment of the Court of Justice as referred to in Article 260(2) TFEU; or where they have caused serious damage to EU financial interests or violated EU exclusive powers as referred to in Article 2(1) TFEU read in conjunction with Article 3 TFEU.’*

It also emphasised that *‘the Commission attaches high importance to the timely transposition of directives. In this context, the Commission for its part has set itself a target of 12 months to refer infringement cases to the Court of Justice if the failure to transpose a directive persists. In line with the priority it gives to ensuring timely communication of transposition measures, the Commission intends to fully utilise the possibilities laid down in Article 260(3) TFEU to strengthen its approach to sanctions for such cases. The Lisbon Treaty introduced important provisions on financial sanctions to motivate Member States to transpose directives adopted under a legislative procedure (Article 260(3) TFEU) into their national legal order in timely fashion. Nevertheless, Member States continue to miss transposition deadlines. [...] In the light of experience, the Commission will now adjust its practice in cases brought to the Court of Justice under Article 260(3) TFEU, just as it has done in cases referred to the Court of Justice under Article 260(2) TFEU, by systematically asking the Court to impose a lump sum as well as a periodic penalty payment. When determining the amount of the lump sum in accordance with its practice, the Commission will take into account the extent of transposition when determining the seriousness of the failure to transpose. The logical consequence of the approach concerning the lump sum payment is that, in cases where a Member State rectifies the infringement by transposing the directive in the course of the court proceedings, the Commission will no longer withdraw its action for that reason alone. The Court of Justice cannot take a decision to impose a penalty payment because such a decision would no longer serve a useful purpose. However, it can impose a lump sum payment penalising the duration of the infringement up to the time the situation was rectified because this aspect of the case has not lost its purpose [...].’*

The 2026 Communication ‘A Simpler, Clearer and Better Enforced EU Rulebook’, renewed the Commission’s ambition to achieve implementation of EU rules as fast as possible. Should preventive measures be unsuccessful, the Communication emphasises the need for credible and efficient enforcement as the backstop needed to achieve timely compliance with EU rules.

It underlined the need to speed up enforcement, in particular in the context of the transposition of directives. In 2025, *‘almost 70% of new infringement procedures stemmed from late transposition of directives by Member States, preventing people and businesses from fully benefiting from EU law. That year, most Member States systematically missed transposition deadlines, forcing the Commission to launch 370 infringement procedures covering the 36 directives to transpose’.*

In this context, the Commission will be seeking to accelerate its enforcement actions in cases where directives are not being transposed. It will in particular simplify and speed up the adoption of reasoned opinions, the second stage in an infringement procedure following the letter of formal notice to the

³² [EUR-Lex - 52017XC0119\(01\) - EN - EUR-Lex](#)

Member State as well as strengthen its approach towards the failure to provide sufficiently clear and precise information on the substance of national rules transposing a directive.

To go further:

- [A Simpler, Clearer and Better Enforced EU Rulebook](#) – Communication from the Commission (COM(2026) 380 final)
- [Simpler and Faster Europe - Communication on Implementation and Simplification](#) - COM(2025)47
- [Report on the Stocktaking exercise](#)
- [Enforcing EU law for a Europe that delivers](#) – Communication from the Commission - COM(2022)518
- [Single Market Action Plan - Long term action plan for better implementation and enforcement of single market rules](#) - COM(2020)94
- [EU Law: Better Results through Better Application](#) – Communication from the Commission - C(2016)8600
- [A Europe of results – Applying Community law](#) – Communication from the Commission - COM(2007)502

1.2.4. Financial sanctions under Article 260(3) TFEU

The Court of Justice of the European Union may, in proceedings brought by the Commission for failure to fulfil an obligation under the Treaties, impose on Member States **the payment of financial sanctions where the Member State has failed to fulfil its obligation to notify measures transposing a directive adopted under a legislative procedure** (Art. 260(3) TFEU).

The sanction imposed by the Court may be composed of a **lump sum payment**, as a consequence of the continuation of the infringement until the delivery of its judgment or full compliance, if reached earlier, and a **daily penalty payment**, to prompt the Member State concerned to bring the infringement to an end as soon as possible after the delivery of the judgment.

Even though the final decision on the imposition of the sanctions laid down in Article 260 TFEU lies with the Court, the Commission plays a central role, as it brings the case before the Court with a proposal for the amount of the financial sanctions.

For breaches covered by Article 260(3) TFEU (non-communication of transposition measures for a legislative directive), the Commission decided to **systematically** propose to the Court to impose both a lump sum and a penalty payment on the Member State concerned. Contrary to breaches falling solely within the scope of Article 258 TFEU, there is no need for a second, separate procedure for the imposition of financial sanctions in the case of such breaches. Article 260(3) TFEU explicitly provides that the financial sanction imposed by the Court must not exceed the amount proposed by the Commission.

In accordance with its 2016 Communication where a Member State rectifies the infringement during the Court proceedings, the Commission does not withdraw its action but maintains its claim to impose a lump sum, thereby covering the duration of the infringement until the time that the infringement was rectified.

The importance of ensuring the transposition of legislative directives by the Member States within the deadlines set by those directives applies to all legislative directives equally. The Commission has for

its part set itself a **target of 12 months** to refer infringement cases to the Court if the failure to transpose a directive persists.

In view of the need to ensure sufficiently dissuasive financial sanctions against Member States, the Commission announced in its **2026 Communication**³³ to be systematically more stringent when calculating the penalties to be proposed to the Court, leading to higher amounts.

Article 260(3) TFEU does not apply to a Member State's failure to notify measures transposing directives that are **not adopted under a legislative procedure**. Where the Member State breaches its obligation to notify measures in relation to non-legislative directives³⁴, the Commission refers such a breach to the Court, first, through the infringement procedure provided by Article 258 TFEU and, where the Member State fails to comply with a judgment finding an infringement, by a second referral to the Court pursuant to Article 260(2) TFEU. Similarly, Article 260(3) TFEU cannot be used where a Member State fails to notify measures transposing **directives adopted pursuant to Articles 31 and 32 of the Euratom Treaty**. In such cases, the Commission employs the same dual referral procedure as that used for non-legislative directives adopted pursuant to the TFEU.

Article 260(3) TFEU covers both the **total or partial failure to notify measures** to transpose a legislative directive. A case of partial failure may occur either where the transposition measures notified do not cover the entire territory of the Member State concerned or where the notification is incomplete since it does not include all transposition measures corresponding to a part of the directive³⁵.

Any dispute regarding the adequacy of the transposition measures notified, i.e. the question whether these measures constitute a correct transposition of the corresponding provisions of a directive, is dealt with under the procedure provided by Article 258 TFEU.

To go further:

- [Communication from the Commission Financial sanctions in infringement proceedings](#)
- [Annual update of data used for calculation of financial sanctions](#)
- [A Simpler, Clearer and Better Enforced EU Rulebook – Communication from the Commission \(COM\(2026\) 380 final\)](#)

1.2.5. Transparency on transposition of directives

➤ Information on publication of transposition data on EUR-Lex

The Publications Office of the EU publishes metadata on the measures notified by the Member States for the transposition of directives on [EUR-lex](#).

When notifying a national transposition measure, Member States select the type of notification. It exists four types of notifications: laws/regulations, administrative measures, explanatory documents and reports. Only information related to notifications typed as 'laws/regulations' and 'administrative measures' published by the Member States is published on EUR-lex.

Administrative measures which were not published by the Member States, explanatory documents and reports are not available on EUR-lex.

³³ A Simpler, Clearer and Better Enforced EU Rulebook – Communication from the Commission, COM(2026) 380 final

³⁴ Delegated and implementing acts

³⁵ Commission/Belgium, C-543/17, points 53 and 54

If the Member State concerned has given its consent, either a link to the national publication website or a PDF of the national measures are also available on EUR-lex, in addition to the metadata.

Member State	PDF	ELI/national link	Option 4 (national publication only)
Belgium	Y	N	
Bulgaria	Y	Y	
Czechia	Y	N	
Denmark	N	Y	Y
Germany	Y	N	
Estonia	N	Y	
Ireland	N	Y	
Greece	Y	N	
Spain	Y	Y	
France	Y	Y	
Croatia	Y	N	
Italy	Y	N	
Cyprus	Y	N	
Latvia	Y	Y	
Lithuania	Y	Y	
Luxembourg	N	Y	
Hungary	N	N	Y
Malta	Y	Y	
Netherlands	Y	N	Y
Austria	N	Y	
Poland	Y	Y	
Portugal	Y	Y	
Romania	Y	N	
Slovenia	N	Y	

Slovakia	N	N	Y
Finland	Y	N	
Sweden	Y	N	

➤ ***Information related to the transposition progress by Member States***

The [data visualisation website](#) is available in all EU languages and illustrates the Commission's enforcement activities and Member States' compliance with EU law through interactive maps and customisable graphs. When it comes to transposition, it provides maps and figures showing the transposition and conformity deficit per Member State and their overall evolution over time, the trend in directives to transpose and their repartition by policy area.

➤ ***Infringement decision register***

The [register](#) provides up-to-date information about individual cases and the related decisions adopted by the Commission. Users can run searches based on criteria such as type of infringement (e.g. non-communication or non-conformity), Member State, policy area or legal basis, and export the results obtained. Where available, links to press releases and to the judgment of the Court of Justice are also provided.

➤ ***Information related to the Annual progress reports on Simplification, Implementation and Enforcement***

As set out in the Commission's Communication on Implementation and Simplification, each Commissioner presents an annual progress report on the activities undertaken under the area of their direct responsibilities to the respective Parliament Committee and Council formation. These reports describe progress on key policy objectives, as well as on enforcement action, implementation, and support and simplification measures. They also take stock of stakeholder dialogues (including implementation dialogues), stress tests and reality checks, and outline any additional measures potentially needed.

The first set of annual progress reports covering the period from 1 January to 31 July 2025 is available [here](#).

Additionally, the [Annual Overview Report on Simplification, Implementation, and Enforcement](#) summarises the main results of the Commission's work towards a simpler and more agile Europe across three key components: simplification, implementation, and enforcement. It covers the period from 1 January to 31 July 2025.

➤ ***Information related to sectorial webpages on transposition-related topics***

Single Market and Competitiveness Scoreboard

This [website](#) contains data on the transposition of Single Market directives by Member States. There can be found maps displaying the overall performance, as well as detailed tables showing the Member States' compliance based on indicators such as the transposition deficit, transposition delays, conformity deficit or duration of infringement proceedings for late transposition of directives. It also provides data on enforcement tools and business framework conditions by Member State.

Monitoring of banking and finance directives

This [website](#) gathers information on the monitoring of transposition of banking and finance directives. Directives are categorised in two groups: those fully transposed by all Member States and for which there are no open infringement proceedings, and those not yet fully transposed by all Member States or with open proceedings against some of them. For the first category, links pointing to EUR-Lex allow to access the transposition measures communicated by Member States concerning each directive. For the second category, the site contains status bars displaying the overall progress of the transposition of each directive, as well as the transposition status by Member State and the list of pending non-communication infringement procedures.

Environmental Implementation Review

This [website](#) contains an [interactive map](#) displaying active and closed infringement cases pursued for non-compliance with EU environmental law (per country, sector and type of case), as well as statistics and trends based on the same criteria. It also lists all infringements and related decisions on environmental topics adopted by the Commission. In addition, there can be found the Environmental Implementation Review individual country reports, which map out the implementation of the key environmental policies in each EU country, identifying causes of implementation gaps as well as solutions that have been successfully implemented.

1.3. Support to Member States during transposition and implementation

Cooperation with Member States in implementing EU law is an effective way to ensure EU rules achieve their purpose. It also helps preventing breaches from happening in the first place. For the Commission, this means ensuring a continued dialogue with and providing support to Member States to implement EU law correctly and on time.

While not mandatory for all EU legal acts, when a major legal act is being finalised by the European Parliament and the Council, the Commission prepares an implementation strategy to plan how it will support Member States throughout the implementation process. The strategy identifies (legal, administrative or practical) challenges for transposing and applying the legal act, arrangements to track progress, support measures (including for SMEs) and a clear timeline. Given the diversity in the complexity and length of directives and regulations, there is flexibility on the most appropriate format and its publicity.

Concrete examples of published implementation strategies can be found here:

- https://home-affairs.ec.europa.eu/common-implementation-plan-pact-migration-and-asylum_en
- [Implementation Strategy-VIDA](#)

In general, Commission services report relevant information on implementation support for Member States regarding directives in the transposition roadmap in THEMIS, accompanied by the sending of the explanatory document templates.

However, to allow the Commission to prepare effective support to Member States, early information from Member States and stakeholders is crucial for the Commission. It has a whole array of supporting measures depending on the complexity and specificity of the legal act concerned. Depending on its own assessment and the input received from national authorities, the Commission might consider the following support measures:

- expert group meetings,
- workshops (e.g. organised with central, but also regional and local authorities, administration and judicial authorities),
- bilateral meetings with Member States' authorities to discuss specific issues,
- explanatory document template with Commission guidance on provisions,
- enhanced transparency with Member States at early stage through the transposition roadmap,
- detailed guidance on new provisions or those that may be difficult to interpret/implement ` ,
- political contacts at high level,
- agreed operational conclusions / best practices discussed with MS,
- implementation dialogues and reality checks: consultation with stakeholders and feedback,
- guidelines/handbook,
- FAQs, new web communication or new webpage.

For directives, the Commission provides general information in explanatory document templates and transposition roadmaps which can be used by Member States to lead to faster and full transposition. Similarly, proactive updates from Member States on national obligations going beyond the requirements of EU law where this is permitted under the directive but could have a negative effect on the single market (gold plating³⁶) helps to tackle the impacts of diverging rules across the EU.

The Commission uses expert groups and similar settings such as concerted actions to build closer partnerships between national authorities, supporting implementation and provide peer support between Member States.

1.4. Single market notification procedures

Beyond the notification procedure related to the transposition of EU directives, other notification requirements exist at EU level, in particular those related to the single market.

These notifications do not aim to inform the Commission services about measures related to the transposition or implementation of EU legal acts, but to ensure transparency and compatibility with EU law of national initiatives for technical regulations.

Barriers to trade resulting from technical regulations relating to products may be allowed only where they are necessary to meet essential requirements and have an objective in the public interest of which they constitute the main guarantee. This is why Commission services and Member States should be equally informed about upcoming national initiatives. According to Directive (EU) 2015/1535, Member States must inform the Commission of any draft technical regulation concerning products and information society services prior to its adoption. Starting from the date of notification of the draft, a three-month standstill period – during which the notifying Member State cannot adopt the technical

³⁶ A Simpler, Clearer and Better Enforced EU Rulebook – Communication from the Commission, COM(2026) 380 final: ‘*This is where a Member State, when transposing or implementing EU law in a given policy area, introduces a wider scope, stricter rules or obligations that go beyond the requirements set by the EU legal act. Creating more burdensome procedures than what is necessary to implement the EU law can also be considered gold-plating.*’

regulation in question – enables the Commission and the other Member States to examine the notified text and to respond appropriately. It concludes with the submission of the final text.

The notification procedure is described [here](#) with a direct access to the [TRIS database](#). As stated in Article 7.1 of the directive, it shall not apply to those laws, regulations and administrative provisions of the Member States or voluntary agreements by means of which Member States comply with binding Union acts which result in the adoption of technical specifications or rules on services.

In its 2026 Communication, the Commission announced its intention to take full advantage of this preventive tool and to systematically launch infringement procedures if identified breaches remain unresolved. The Commission further announced to ensure full compliance with the Single Market Transparency Directive by taking enforcement action when Member States ignore procedural requirements (e.g. if they do not comply with the standstill period) or do not notify their draft acts. The Commission will proceed in the same manner as regards similar provisions that might be introduced in future legislation, as part of the enforcement by design efforts.

In addition to the Single Market Transparency Directive, other prior notification mechanisms exist.

According to Directive 2006/123/EC, Member States shall notify the Commission of any new laws, regulations or administrative provisions which set requirements for providing services as referred to in Article 15(2) of the Directive. Notifications can be found on [Commission's website](#).

The [single notification window](#) is a platform that provides one central point for information on EU countries' notification obligations that are relevant for the single market.

While the scope of the single notification window has been kept broad to encompass as many relevant notification procedures as possible, it does not cover reporting obligations, rapid alert systems, notification obligations in relation to EU competition rules, obligations to transpose and provisions on penalties.

2. Transposition of directives: from negotiation to enforcement

2.1. Anticipating the impact of new EU legal acts on the national framework



2.1.1. The EU policy cycle

In order to anticipate future EU legislation, it is important to be aware of the policy cycle initiated by the President of the European Commission when he/she presents his/her political guidelines for the duration of the mandate before being invested by the European Parliament.

The Commission then sets its priorities in line with these guidelines.

Each year the President takes stock of the current year and presents the priorities for the coming year in the annual State of the Union address, which sets out the main elements guiding the preparation of the [Commission's annual work programme](#).

The Commission plans its initiatives based on the President's political guidelines and the priorities of the College.

As part of its Better Regulation policy, the Commission announces and publishes initiatives and collects feedback and opinions from citizens and stakeholders on upcoming Commission's initiatives and related documents (calls for

evidence and public consultations for initiatives and evaluations, proposals and other initiatives, draft delegated and implementing acts, and adopted acts). All **stakeholder consultation** and feedback mechanisms are accessible through the ['Have Your Say'](#) web portal. This portal also allows stakeholders to make suggestions for simplifying and modernising existing laws and reducing regulatory burdens.

Once adopted by the Commission, legislative proposals are sent to the **Parliament** and the **Council**. They examine the proposal and can amend it.

2.1.2. Early identification of transposition and implementation issues

Starting the assessment of the legal obligations introduced by an EU legal act at an early stage, at the time of the publication of the Commission's proposal, is key for the timely identification of transposition and implementation issues. Preliminary assessments may start even earlier, once the Commission makes public its plans for a legislative initiative including its main elements in roadmaps,

calls for evidence for impact assessments, public consultations, etc. Input to evaluation studies, at expert group meetings or in bilateral meetings during the preparation phase of the proposal is useful for the Commission to gather evidence as regards potential implementation issues or complexities.

2.1.3. Available resources to monitor the EU legislative process

There are several resources available to monitor upcoming EU proposals.

[EUR-lex](#) is the reference website to EU Law. It provides official and comprehensive access to EU legal documents. It is available in all EU's 24 official languages and is updated daily. The [advanced search](#) can search for preparatory documents. Several filters are available (including document reference, CELEX number, date, legal basis, theme and documents related to legislative procedures). EU legal acts adopted in a given period can be consulted [here](#).

The [EU Tracker](#) is a website intended to monitor the EU legislative process from the moment a legislative act is proposed until it is adopted. It covers all legislative files falling under the ordinary legislative procedure and contains information and related documents from the various bodies involved, displayed in chronological order through a timeline view. The site is available in all official EU languages.

The EU Law tracker website also includes the [EU legislative priorities page](#), an overview of the legislative procedures agreed upon by the European Parliament, the Council of the European Union and the European Commission, which makes it possible to track the progress and status of legislative proposals falling under these shared priorities.

The **Register of delegated and implementing acts** provides a [searchable database](#) and gives access to the full lifecycle of delegated and implementing acts and measures under the Regulatory Procedure with Scrutiny (RPS), from their planning to their adoption and publication in the Official Journal. It contains the relevant events in the procedure, visualised on a timeline, as well as the documents submitted for or resulting from the event in question. Through subscription, users can stay informed about acts in a particular policy field or acts reaching a particular stage in their lifecycle.

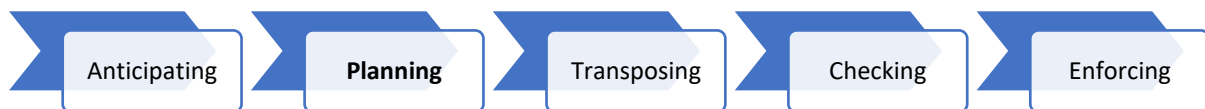
2.1.4. National best practices for anticipating transposition challenges

Producing a template for a national implementation plan and standard questions to guide the legal assessments have been considered very useful by those Member States that dispose of such a template/checklist for their assessments. Prescribing the main elements of the assessments, as well as their timeline, facilitates the process, increases awareness of the services responsible for conducting the assessment and ensures consistency across policy areas. It also helps identifying best practices and expertise that can serve as guidance for future assessments. A minimum standard template for legal assessments also helps differentiate such analysis from the assessment of policy impacts. Some Member States have in their ministries a specific contact point, unit or network that handle impact assessments, which contributes to the development of expertise.

As regards useful elements to be considered in the legal assessments, best practices in Member States point to the following points:

- Screening of existing national legislation in the field of the EU law proposal to identify the need for harmonisation, conflicting existing provisions, implementation difficulties, the type of national implementing measures required, etc.
- Establishing a preliminary correlation table indicating the national provisions likely to be changed, the type of modification likely to be required (abrogation, modification, addition of new provisions, etc.).
- Analysing the impact of the distribution of competences at federal, regional and local level on transposition and implementation.
- Assessing the clarity and precision of the proposed provisions in the light of the national legal framework and in the translations of the EU law proposal.
- Assessing the proposed transposition deadline in the light of the outcome of the above legal assessments.

2.2. Planning of the national transposition process



2.2.1. Transposition roadmap in THEMIS/Directives for early communication with Commission services

Once the directive to be transposed has been published and encoded in THEMIS/Directives, information between Member States and Commission services can be exchanged through the transposition roadmap available in THEMIS/Directives, additionally to other communication channels defined for a given directive.

The transposition roadmap is accessible for Member States' users with an authorised access to THEMIS/Directives and corresponds to a dedicated section for each directive. This section provides information on the directive and its transposition process and is populated by Commission services and Member States' users.

This is without prejudice to the regular communication to the national experts which continues in parallel. Commission services can share information to the Member States by a prefilled explanatory document template and they can inform about their intention to give it in the roadmap. They can also inform in the roadmap about other support measures envisaged, where the complexity of the directive requires it, with specific guidance on the provisions.

Member States may also inform the Commission in the roadmap about their intention to use the explanatory document template, and they can keep the Commission informed about the planning of their transposition process and potential challenges encountered. They can also pose questions on implementation to the Commission in the roadmap.

The information that is written to a roadmap can be edited and updated by the Commission or the Member State at any moment during the process. The latest update remains visible in THEMIS. Commission services and Member States are notified when information is added.

Editing is currently available for Member States' coordinators and case handlers.

The image shows a web interface titled "Edit transposition roadmap". It contains three main sections, each with a question mark icon and a text area:

- Transposition approach & context**: A large text area with a character count of "32 / 4000".
- Actors involved in the process**: A text area with a character count of "30 / 4000".
- Points of attention**: A text area with a character count of "21 / 4000".

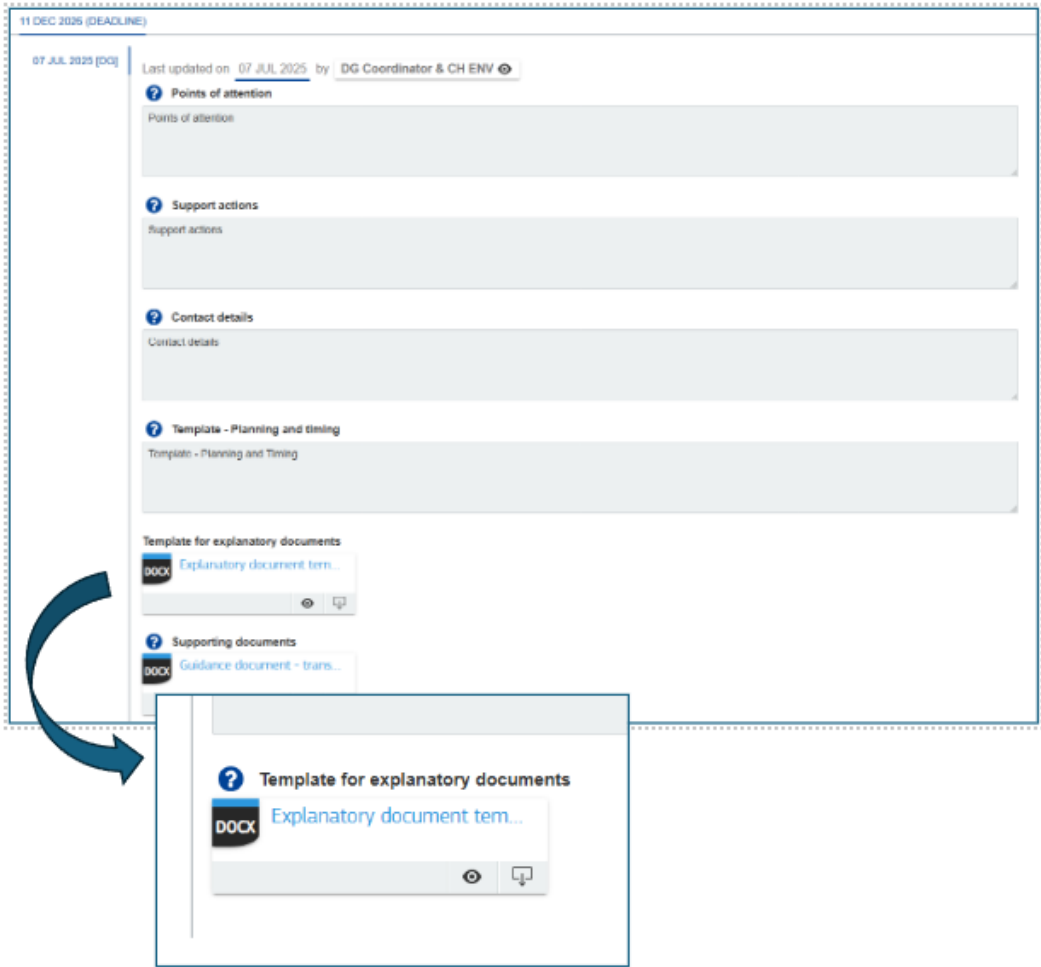
A blue arrow points from the first section to a tooltip box. The tooltip contains the following text:

Edit transposition roadmap

Transposition approach & context

This section should detail the overall approach that the Member State intends to adopt regarding the transposition of the directive. It should specify if legislative changes are necessary and if stakeholders need to be consulted and how such consultation impacts on the transposition process. An indicative timeline of the transposition process should be specified. If any, it should also detail the impact of the transposition on other policies within the Member State.

When prepared by the Commission services, the prefilled explanatory document template is uploaded to THEMIS/Directives, under the TRANSPOSITION ROADMAP section.



Guidance documents uploaded in the roadmap are accessible in the DOCUMENTS section.

Documents

CLEAN FILTERS

Insert text to filter for...

DOCUMENT

DOWNLOAD DOCUMENT(S) EXPORT DOCUMENTS

<input type="checkbox"/>	Title	Type	Date (upload)	Date (document)	
<input type="checkbox"/>	Explanatory document template	OTHER	18 MAR 2025	18 MAR 2025	
<input type="checkbox"/>	Guidance document - transposition	OTHER	18 MAR 2025	18 MAR 2025	
<input type="checkbox"/>	Notice on drafting explanatory documents...	OTHER	18 MAR 2025	18 MAR 2025	
<input type="checkbox"/>	Transposition workshop_operational concl...	OTHER	18 MAR 2025	18 MAR 2025	

Showing 1-4 of 4 records


Information added in the transposition roadmap by Commission services and Member States is easily retrievable in THEMIS/Directives.

Transposition roadmap (DG) <input type="checkbox"/> No (4436) <input type="checkbox"/> Yes (35)
Transposition roadmap (MS) <input type="checkbox"/> No (4464) <input type="checkbox"/> Yes (7)

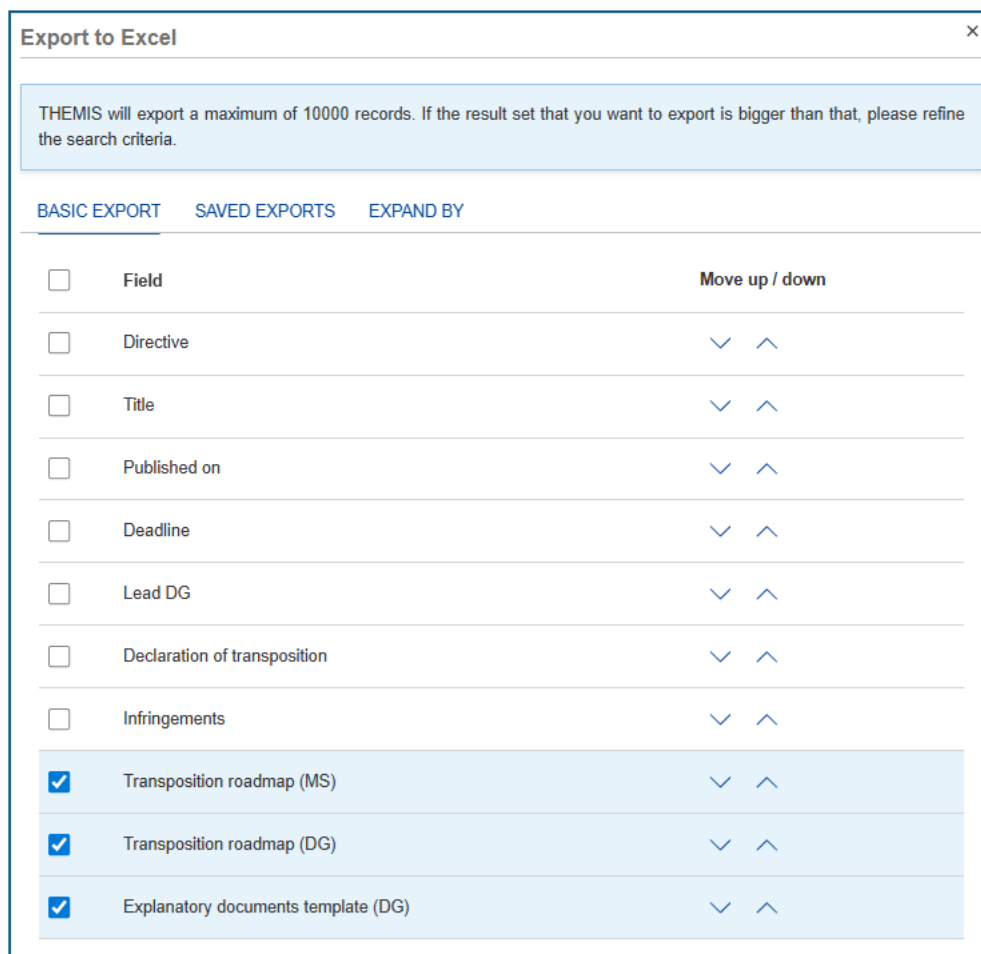
It is also possible to identify directives for which an explanatory document has been uploaded by the Commission services.

DIRECTIVE ^
Explanatory documents template (DG) <input type="checkbox"/> No (4289) <input type="checkbox"/> Yes (19)

Through the option ‘Export roadmap’, it is possible to generate a Word file containing all the information related to the transposition roadmap, i.e. the information provided by the Commission services and by the Member State concerned, as well as the list of files uploaded to the roadmap (explanatory document template and supporting documents), if any.

 Export roadmap
Actions
EDIT TRANSPOSITION ROADMAP

Basic data related to the transposition roadmap can also be exported to Excel from the list of transpositions and the list of directives.



2.2.2. Commission guidance through explanatory document templates

From the perspective of the Commission, planning of the transposition phase implies the identification of possible transposition challenges and the preparation of support measures for the Member States.

This preparation includes, where the Commission considers them useful, prefilled explanatory document templates drafted by the Commission to help Member States with the transposition and implementation and to avoid possible transposition gaps. This is especially the case for legislative directives, recast and complex amending directives, as well as cross-cutting directives. With its predefined structure and colour-code clearly indicating if transposition is required, optional or not needed, the explanatory document template is meant to ensure consistency and readability for the Member States' users.

The explanatory document template is shared with Member States through THEMIS in the transposition roadmap and/or in the dedicated communication channels established by the Commission services for each individual directive.

General context information related to the transposition of the directive in the national legal framework (if useful):

This section allows the Member State to provide additional information in relation to its national legal framework. In some cases, it might be useful to explain the general approach taken (sectorial approach, transposition as part of a broader legislative reforms, links with other policy fields, etc.).

Directive	
Article(s)/Paragraph(s)	Provision(s)/Description of the obligation

The Commission service indicates the reference of the relevant provision of the directive and might either quote the provision itself or indicate a shortened version of the obligation.

Additional information provided by Commission services

If applicable/considered useful, the Commission service may provide additional information on provisions of the directive (transposition suggestions, relevant links to other provisions in the directive (or in other legal acts)).

Examples:

The Member States should demonstrate that the national legal provisions allow to apply ESA2010 (via a generic reference to ESA for instance): otherwise, no legal measure needed.	This provision is linked to Art.5(1). Therefore, it is not relevant in case MS suspends the application of Art. 6.
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Article 2(1)(e)	(e) medium-term budgetary frameworks as a specific set of national budgetary procedures that extend the horizon for fiscal policy-making beyond the annual budgetary calendar, including the setting of policy priorities and of medium-term national budgetary objectives over the medium term;	The definitions in this provision do not need to be transposed literally into national law. However, Member States should ensure that the measures transposing other provisions of the Directive take them into account (for example: the measures transposing Articles 9(2)(a) should refer to "national budgetary objectives over the medium term".
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Clarification

Member States are encouraged to establish this requirement in law but evidence of practices can also be provided.

National transposition measure**	
Article(s)/Paragraph(s)	Text of the provision(s)

**This column should include pre-dating or general measures serving to incorporate the directive into national legislation that could impact its transposition. In this case, the relationship of those measures with the provisions of the Directive should be clearly explained.

These fields are to be filled in by the national authorities. In accordance with the relevant case-law of the Court of Justice of the EU (please refer to section 1.2.2. for more information), it should be indicated in a clear and precise manner which national measure transposes which provision of the directive. Member States are encouraged not only to mention the measure in general, but to point to the relevant section that precisely transposes the directive’s provision.

For some obligations stemming from the directive, the Member State might not need to draft new national measures as these obligations may already exist in the Member State’s legal order. They might be covered by sectorial measures or by general legislation. Nevertheless, such pre-existing and/or general measures need also to be notified and explained to the Commission.

Consequently, this column should also include pre-dating or general measures serving to incorporate the directive into national legislation that could impact its transposition. In this case, the relationship of those measures with the provisions of the directive should be clearly explained.

Comments/explanations from Member State/ Link to the consolidated version if available
--

Similar to the field covering the additional information provided by Commission services, this field can be used by the national authorities to provide any useful information in relation to the national measure added to the table. Such information could refer to the legislative reform in which the measure has been adopted, point to possible links with other legislations, pending implementing measures that still need to be adopted and notified to the Commission or even explanations on the legal value of the measure notified (for example, if it is a governmental order, circular, etc.).

White: Articles/paragraphs where transposition is required
 Yellow: Articles/paragraphs where transposition is optional; if a MS opts for transposing such provisions (often exemptions or voluntary measures), the Member States have to ensure a correct transposition.
 Blue: Articles/paragraphs where transposition is not required

The color code proposed is generally applied by the Commission services. It should help national authorities to easily identify those provisions which require transposition measures and those for which transposition is not necessary.

Disclaimer

The template is adaptable to the directive concerned and its specific needs. Categories may remain empty if not applicable (e.g. the ‘provision’ columns if the articles/paragraphs have already been sufficiently referenced). This table can also be completed/replaced by other explanatory documents. Several tables or explanatory documents can be provided. Views expressed in this guidance, including the color code, reflect only the understanding of the Commission services and are without prejudice to any Commission action or position on the matter. The information provided does not prejudice the Commission's assessment of the completeness or conformity of national transposition measures, nor of their capacity to satisfy the requirements of legal certainty imposed by the Court of Justice of the European Union, which is the only source of definitive interpretation of EU law.

2.3. Transposing within the required timeline



2.3.1. Improving the process through optimised working methods

Commission support

Depending on the complexity of directive, the Commission services provide support during the transposition process through Commission groups of national experts, concerted actions, committees established by the directives, transposition workshops and bilateral contacts. Such support aims to foster mutual understanding of the legal provisions and can clarify specific aspects of directives so as to facilitate their correct transposition by Member States.

National coordination

Member States are invited to raise awareness about the existence of the explanatory documents template and its usefulness. Particular attention should be given to the necessity to draft clear and precise explanatory documents, regardless of whether the Member State decides to use the template or not.

Where appropriate, coordination services in Member States are invited to support transposing authorities in the use of the template and contribute to consistency in its application.

Implementing entities/services in the Member States may raise questions related to the use of the template directly to the Commission services. They can use for that purpose the transposition roadmap in THEMIS or other established channels of communication for a given directive.

Consolidated versions of national implementing acts

In order to smooth the process, Member States are encouraged to provide consolidated versions of national legal acts, if already available in their national legal order (even though they might not have a legal binding character) as well as useful contextual elements in relation to the transposition. However, it should be taken into account that the availability, preparation and use of consolidated versions may vary depending on the practice and specific circumstances of each Member State. It would also be very helpful for the Commission if the Member States could submit consolidated explanatory documents, if the transposition is provided by different entities or at different points in time, and to make sure to notify eventual implementing rules announced in the already transmitted transposition measures once they are adopted. If new transposing measures are adopted, the explanatory document should be updated accordingly.

Notification of transposition measures and their explanations in Member States with a federal or regional structure

Member States arrange the transposition process depending on their constitutional and administrative structure. It is important that regardless of the national structure, the Commission is placed in a position to verify if the personal, material and territorial scope of the directive is fully covered in the Member State. If several sub-federal levels must transpose a directive, either they all notify a full explanatory document or a consolidated explanatory document can be notified, explaining also how these measures

interact. It is encouraged that Member States coordinate this information process between the different entities and ensure sufficient oversight.

Notification of transposition measures after completion of the transposition

Member States may adopt national measures in the field covered by the directive, including years after having completed the transposition. If these new measures are relevant in the context of the transposition of the directive, even after having declared the transposition complete, they shall communicate them to the Commission, in accordance with the general transposition requirements provided for in the directive ('Member States shall communicate to the Commission the text of the measures of national law which they adopt in the field covered by this Directive'). Such additional notifications should be accompanied by revised explanatory documents allowing the Commission to receive clear and precise information why such measure is relevant for the transposition of the respective directive. These measures can be notified in THEMIS/Directives in addition to those already communicated and without deleting the previous ones.

2.3.2. Being aware of directives' specificities and complexities

The following characteristics often imply challenges for the Member States to transpose directives and might require specific attention by the transposing authorities to plan the transposition process carefully.

Recast and amending directives. The challenge lies in determining which provisions have to be transposed in certain cases. If an amending directive amends a paragraph by adding some elements, but the amending technique is to replace the whole paragraph, it would be necessary to explain how the whole paragraph has been transposed. Consequently, Member States would need to notify the measures they adopted to transpose the original paragraph.

The fact that there are already national measures transposing a provision is irrelevant for the assessment on whether that provision must be transposed. It must be transposed if it has been modified by the recast or amending directive. If there are already existing measures transposing it, these need to be notified.

In these situations, close cooperation between Commission services and Member States is crucial to clarify whether certain provisions of the new directives need to be transposed and notified because existing national measures already ensure such transposition.

In some policy areas, legislation is frequently amended, which has the consequence that national authorities are still in the process of transposing the first directive while it is already necessary to start transposing the amending directive. In such cases, the Commission in general states clearly in the guidance provided to Member States its expectations on the explanations required from the Member States in that respect (e.g. recall that the explanatory document should identify the existing national measures already ensuring transposition with the new obligations).

Cross-cutting directives impacting several sectors/policy areas. Different transposition approaches exist. A Member State may choose to transpose a directive through a horizontal national law, a multitude of sectoral, specific laws, or a combination of both. There may also be many new requirements compared to previous obligations that have effects on different sectors and actors. To help the Commission services to assess the transposition of a given directive, Member States are encouraged to explain the transposition approach taken. This can be done in the transposition roadmap and/or explanatory document.

Cross-references. If a directive makes cross-references to other directives, the national transposition could use the same cross-reference to the directive itself or to the national transposition of that directive. If the new directive makes a cross-reference to a regulation, a case-by-case assessment might be required. If the national transposition measure reproduces a precise definition as it appears in the regulation, there might be no need to have an explicit reference to the regulation. However, considering a general reference to the regulation, it would rather seem necessary to have the reference also in the national transposing legislation. The Commission services will, in such cases, provide guidance to Member States at the beginning of the transposition process.

Multiple transposition deadlines. When a directive contains more than one deadline, particular attention should be paid to the interdependence of transposition obligations linked to separate transposition deadlines. The notification process in THEMIS is structured following transposition deadlines and care must be taken to notify measures under the deadline for the provisions that the measure transposes. If a Member State transposes obligations related to another deadline, it is necessary to clearly explain this when notifying. If a measure transposes provisions covered by different deadlines, this measure needs to be notified under all those deadlines. The Member State should separately encode its transposition for each of the relevant deadlines ('COMPLETE' or 'PARTIAL').

Short transposition deadlines. Particular attention should be given to early planning of the adoption process of the transposition measures.

Procedural challenges. Some directives provide for new procedures which need to be integrated into the national legal framework. Each Member State may face different issues – for some the procedure will be entirely new, others will have pre-existing frameworks into which this new procedure needs to be integrated. Some provisions might have been transposed by pre-existing codes of civil or administrative procedures. Member States also need to notify general laws (e.g. general administrative procedure or even constitutional provisions) transposing specific procedural provisions of a directive or ensuring that certain principles are embedded in the national legal framework. These general measures must be accompanied by sufficiently clear and precise explanations to be acceptable as transposition measures for a given directive.

Lengthy, technical directives. Directives which are complex and of highly technical nature should receive specific attention at early stage as they may cause difficulties for the Member States to adopt many pieces of national transposing legislation while respecting their internal decision-making and legislative procedure.

Directives with a strong IT dimension. Such directives may have major resource implications on the national level, thus delaying the process of transposition. The implementation of IT requirements may need technical expertise and be time-consuming. During the negotiation process, Member States initiatives should pay particular attention to technically complex directives and for those that require IT or other infrastructure investments to avoid significant delays in the implementation process. Regular contact with Commission services during the transposition process can prove useful to address potential challenges.

Notification of transposition measures and their explanations in Member States with a federal or regional structure

Member States arrange the transposition process depending on their constitutional and administrative structure. It is important that regardless of the national structure the Commission is placed in a position to verify if the personal, material and territorial scope of the directive is fully covered in the Member State. If several sub-federal levels must transpose a directive, either they all notify a full explanatory document or a consolidated explanatory document can be notified, explaining also how these measures interact. Member States should coordinate this information process between the different entities and ensure sufficient oversight.

Transposition by (dynamic) reference³⁷

Transposition by reference can be accepted as a valid method of transposition under the following conditions. First, the reference is made to the directive/annex/article in question that has a **technical/non-discretionary nature**, meaning that it is so detailed that it does not leave any margin of discretion to Member States, i.e. it does not offer any options to the Member States, nor contains any vague notion needing further precisions to be applicable. Second, compliance with the principle of legal certainty is fulfilled, by allowing an effective access to the directive in the language of the Member States. Third, the date of entry into force in the national legal order to be determined with certainty.

Valid examples of transposition by reference:

Directive's definition of a permit: 'permit' means a written authorisation to operate all or part of an installation or combustion plant, waste incineration plant or waste co-incineration plant.

National valid transposition: [...] Subject to this Act, a word or expression that is used in this Act in so far as it relates to an industrial emissions directive activity and that is also used in the Industrial Emissions Directive has, unless the context otherwise requires, the same meaning in this Act as it has in that Directive [...].

Explicit references to a given directive in the national legislation:

[...] In addition to point 1 of VII of Article R. 593-18, the operator shall provide a justified proposal for the main activity of the installation within the meaning of Article 21 (3) of Directive 2010/75 [...] /EU of 24 November 2010 among the activities defined in Annex I to that Directive and conclusions on best available techniques relating to that main activity. [...]

[...] shall apply to the equipment and installations referred to in Article L. 593-3 and, where appropriate, to basic nuclear installations involving at least one of the activities listed in Annex I to Directive... [...].

[...] as described in none of the conclusions on applicable best available techniques, that technique shall be determined by paying particular attention to the criteria listed in Annex III to Directive [...] [...] adopted by the European Commission before 6 January 2011 shall be considered as conclusions on best available techniques for the activities listed in Annex I to Directive [...].

Interconnection clause

National legislation that pre-dates a directive may be fully relevant to its transposition in a Member State. However, 'old' legislation will not contain a mention that it transposes the directive in question, as required by all directives (the 'interconnection clause'). In order to address this problem, and in line with the note of 30 April 2024 and email of 28 May 2024 on the interconnection clause addressed to the EU Law Network, the Commission proposed the publication of national transposition measures on EUR-Lex (whether in the form of a hyperlink or a PDF document) as a means for Member States to fulfil their obligations under the interconnection clause. To benefit from this option, Member States have to agree to such publication on EUR-Lex. Member States remain free to satisfy the requirements of the interconnection clause through publication of the necessary information in their national official journal, including for legislation pre-dating the directive. Member States need to inform the Commission about their choice. So far (June 2026), 24 Member States³⁸ agreed to the publication of their measures on EUR-Lex. The Commission and the Publications Office perform regular checks as regards the transmission and publication of the PDF documents/hyperlinks. As reported to the EU Law

³⁷ Commission/Poland, C-311/10, points 49 and 50

³⁸ All Member States except Hungary and Slovakia are publishing transposition measures on EUR-Lex, either through a hyperlink or a PDF document. Denmark, Germany, the Netherlands and Slovakia have so far opted for a national publication process to satisfy the requirements of the interconnection clause.

Network on 29 November 2024, the Commission's assessment is overall positive and the Commission continues this approach as set out in the note of 30 April 2024³⁹.

2.3.3. Preparing the explanatory document as an integral part of the transposition

As indicated in section 1.2.2., the Court held in its judgment of 8 July 2019 in Case C-543/17 that, when notifying national transposition measures to the Commission, Member States must provide sufficiently clear and precise information and state, for each provision of the directive, the national provision(s) ensuring its transposition.

Explanatory documents are thus mandatory in accordance with the relevant case law and applicable legal framework for all directives and the failure to provide such clear and precise information may be sanctioned under Article 260(3) TFEU.

Clear and precise information on the national transposition measures

The explanatory document should make it possible to understand how specific provisions of a directive requiring transposition have been incorporated into the national legal framework. It is important that, along the explanatory document, the transposing acts are notified in a way allowing the Commission to precisely identify the national provisions transposing specific obligations of the directive.

If necessary, the explanatory document should clearly indicate the amendment(s) and provide information on the existence of consolidation of the legal act (if available through a link). It is important to provide a clear picture of the legal act at the moment of the transposition, including with indication of the entry into force/application dates and, where applicable and authorised by the directive, transition periods.

Multiple transposition deadlines

Directives may provide for several transposition deadlines. These can either arrange for a gradual transposition of the directive detailing the different transposition deadlines for groups of provisions of the directive or provide for a prolonged transposition period for some specific provisions (like a derogation to the general transposition deadline).

For each transposition deadline, a separate explanatory document should be provided, clearly stating how the provisions relating to the respective transposition deadline have been transposed. If references to transposition measures notified under a previous transposition deadline are made, this should be clearly stated in the explanatory document.

Amending directives

In case of amending directives, it may be important that national authorities provide context information how they have incorporated these amendments into the existing framework and explain, if appropriate, interactions with more overarching provisions, even if those are not amended, such as the scope, the relevant definitions and/or applicable sanctions.

³⁹ The approach established in the Commission's note of 30 April 2024 was initially implemented through a pilot test phase lasting one year, which concluded in April 2025.

2.3.4. Step-by-step review of the transposition requirements

Relevant transposition deadline of the directive concerned

The number and title of the directive are placed in the dedicated field in the explanatory document. To rule out any possibility of confusion the full official title of the directive should be cited. As a directive may have several transposition deadlines, the relevant transposition deadline applicable to the provisions listed in the explanatory document should be clearly indicated at the top of the document.

Preamble

The preamble is everything between the title and the enacting terms of the directive. These are the citations, the recitals and the solemn forms which precede and follow them. The citations in the directive, setting out the legal basis of the act and the main steps in the procedure leading to its adoption, do not have to be transposed by the Member States. The recitals of the directive, in which are set out concise reasons for the chief provisions of the enacting terms, likewise do not have to be transposed by the Member States. Recitals, however, provide useful information on the directive in its whole and will always need to be taken into account in the interpretation of the directive, including by Member States when they prepare transposition measures. Because no part of the preamble requires transposition, it can be left out of an explanatory document.

Headings

The headings of titles, chapters, parts and sections of the directive are elements that help structuring the enacting terms of the directive but do not have any binding force vis-à-vis the Member States and so do not have to be transposed.

Article defining subject matter and scope

Many directives begin with a first article containing the subject matter and scope of the directive. This provision provides the reader with information not included in the title for reasons of brevity. In principle it is not legally binding and therefore does not need to be transposed. Such articles, however, will always need to be taken into account in the interpretation of the directive, including by Member States when they prepare transposition measures.

Member States should also make sure that the personal, material and territorial scope of the directive is fully covered through their national transposition measures. In the explanatory document, it is therefore necessary to explain the coverage of the scope and the interlinking of the national transposition measures (if several), with a specific attention to directives with an extended scope to several policy sectors or governance levels.

Definitions

One of the first articles of a directive presents the defined terms. While such definitions do not necessarily need to be transposed literally or as autonomous provisions in national law, Member States must ensure that the content and function of each defined term are clearly and precisely reflected in the domestic legal framework.

Where a definition is not transposed literally, the explanatory document should indicate how the substance of the definition is taken into account in the transposition of the relevant substantive provisions, so as to demonstrate that the directive can be applied fully, clearly and with sufficient legal certainty in national law.

Rights and obligations

Provisions setting out the rights conferred and obligations imposed by a Directive constitute the core of the directive and will need to be transposed and should all be included in the explanatory document. Member States should include the text of the laws and regulations in which national transposition measures fully transposing each self-standing legal obligation of the directive has been introduced.

If a provision is permissive ('Member States may...'), it should be indicated in the explanatory document whether the Member State has transposed the provision and if so, how. If an obligation consists of alternatives ('Member States shall do (a) or (b)'), it is essential to indicate which alternative the Member State has transposed, and how.

Practical Implementation

Some provisions of a directive might not necessarily require transposition through the adoption of legal measures, but need to be implemented in practice, for example an obligation to establish a database or rules on calculations of statistics that must be reported to the Commission. The implementation of such obligation should be explained in the explanatory document and, if appropriate, a link should be provided to the appropriate document/website etc.

'Shall ensure' provisions

If a directive provides that Member States 'shall ensure' that something happens, usually by other parties, the explanatory document should clearly explain how it is ensured that the result is achieved, legal transposition, which may be supplemented by practical implementation measures.

'Shall encourage/promote' provisions

If a directive provides that Member States 'shall encourage' or "shall promote" that something happens, transposition is usually needed. The explanatory document should clearly explain how it is ensured that the result is achieved, whether through legal transposition, practical implementation or a combination. A complete lack of any transposition measures is likely to be considered as failure to transpose.

Transposition by delegation

Member States sometimes delegate the adoption of transposition measures to local, decentralised or other authorities, specifying for example: 'the Minister/Agency/Department shall establish a mechanism to do X'. The explanatory document must explain this and must also set out what the Minister/Agency/Department has actually done to transpose/implement the obligation in question. The further measures must be specified and then notified to the Commission in order for the obligation to be considered as transposed.

'Conditionalities'

The provisions in a directive may give Member States the possibility of adopting measures subject to 'conditionalities' such as technical feasibility, cost effectiveness or proportionality. Such 'conditionalities' are not a blank cheque allowing an obligation to not be implemented. The explanatory document should explain how the 'conditionalities' are delimited so that there is clarity on when and how they apply.

Example:

Member States shall ensure that, in so far as it is technically possible, financially reasonable and proportionate in relation to the potential energy savings, final customers for electricity, natural gas, district heating, district cooling and domestic hot water are provided with competitively priced

individual meters that accurately reflect the final customer's actual energy consumption and that provide information on actual time of use.

Penalties

Many directives contain a standard provision requiring Member States to lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to the directive and to take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. These rules and measures must be notified to the Commission by the date set in the article on penalties, or if no specific date is set, by the transposition deadline. The transposing measures may be existing ones (in some cases an existing framework may be sufficient) or new ones. The explanatory document should provide the relevant explanation.

Provisions conferring implementing and delegated powers to the Commission

These provisions do not have to be transposed by the Member States since they concern procedures for technical implementation at the EU level.

Provisions modifying/amending/repealing (provisions of) EU legislation

As far as these modifications/amendments contain obligations of Member States they will need to be transposed. This also is the case when a provision is repealed, because Member States will have to adapt their former transposition measures to the repeal.

Reporting obligations

Provisions obliging the Commission to report regularly or after a certain period of time to Parliament and the Council on the implementation or other aspects of the directive (e.g. review clauses) do not have to be transposed since they are not addressed to the Member States. The same is valid for provisions obliging the Commission to report to international conventions. Provisions obliging Member States to cooperate with the Commission in the preparation of such reports, including by submitting national reports, directly bind the Member States and so do not have to be transposed. Provisions requiring the Member States to report to the Commission certain information by a certain date equally do not need to be transposed but must be respected, and failure to do so can lead to infringement action by the Commission.

Final provisions

It is important to decide case by case if final provisions need to be transposed and inserted into the explanatory document since they depend directly on the subject matter of the directive. However, there are a few final provisions that are common in every directive on which general guidance can be provided.

Transposition obligations

Every directive contains the standard provision obliging the Member States to transpose it into Member State law, requiring Member States to communicate transposition measures to the Commission and setting the deadline by which these obligations must be fulfilled. This provision does not require transposition. However, the date of entry into force (and entry into application, if applicable) of the Member State transposition measure(s) is a necessary element of the Commission's review of the timely transposition of a directive. Therefore, it is important to clearly specify in the explanatory document the date(s) of the entry into force (and entry into application, if applicable) of the transposition measures.

In cases where the article indicates a later date for Member States to apply such measures under the directive, with wording on the lines of ‘*They shall apply these measures from xx date*’, transposition must still be completed by the first, transposition, deadline and not by the date of application.

Article regulating the entry into force of the directive

This provision has direct effect and does not need to be transposed by the Member States.

Article stating the addressees of the directive

This provision identifies the addressee of the legislation in question and does not need to be transposed.

Annexes

Annexes to directives form an integral part of obligations or rights laid down by the directive. They therefore need to be transposed.

2.3.5. Notification process of the national transposition measures

Every directive contains a standard provision obliging the Member States to communicate the transposition measures to the Commission. Such notification is done through a unique communication channel between the Member States and the Commission, called THEMIS/Directives.

Member States notify their measures following the notification process agreed between Member States and the Commission. Each Member State has identified coordinators responsible for arranging the notification process in their respective Member State.

Notifications should be made with care as they have direct consequences:

They attest the current transposition status of each Member State. Each measure should be notified individually on its relevant transposition deadline of the directive concerned. The fact that the measure has already been notified under another directive does not exempt the Member States from notifying it again, if this measure also transposes obligations stemming from another directive.

Transposition should be declared as COMPLETE through the last relevant measure for a given transposition deadline of the directive concerned. If the transposition process is not fully finalised, the declaration should be PARTIAL.

Errors in the declaration of transposition or in the notification of national transposition measures may lead to the launch of infringement procedures for non-communication of national transposition measures. Member States may take note of the correct encoding of the declaration of transposition and of the notification of transposing measures under the relevant deadline(s), including where a directive provides for more than one transposition deadline.

National notifications in THEMIS/Directives also provide useful information on the national transposition on [EUR-lex](#).

National transposition

- Search in national transposition
- Recently published

National transposition

In this section you can find measures adopted by the EU Member States to transpose EU acts – mainly directives – into national law. You can search for the titles, and, if available, the texts of the measures, together with information on the dates of notification, national identifiers of the acts and links to the transposed EU act.

This section is updated each week.

How to search in this section

The left-hand side of this page gives access to search tools.

- Search in **national transposition** redirects to an advanced search form that offers many options. Searches will be performed only within the remit of the "national transposition" section.
- The **Recently published** search gives access to all the documents published in this section in the last 14 days.

To obtain an overview of all the national transposition measures adopted for a specific directive by EU Member States, go to the page of the directive and then click "national transposition" in the left-hand menu.

An automatic translation tool is available to translate the title and, if available, the text of national measures into any official EU language.

Not all national transposition measures notified in THEMIS/Directives appear on EUR-lex. This depends on the way the Member States encode their measures. There are different categories of measures:

Law or regulation - YES, it will appear on EUR-lex

Administrative provision - YES but only if published by the Member State

Report - NO, it will not be published on EUR-lex

Explanatory document - NO, it will not be published on EUR-lex

Some specificities in the notification process exist.

Some directives **do not need to be transposed by any Member State** (e.g. a codifying directive such as Directive (EU) 2022/2561). In such cases, the directive appears as '**NOT REQUIRED**' in THEMIS/Directives. Member States can still notify measures if they wish, but they will not be able to change the 'declaration of transposition' automatically set in THEMIS/Directives.

Member State's declaration 'not required' in THEMIS

A Member State can also declare the transposition as '**NOT REQUIRED**' for a directive for which a **deadline** has been encoded in THEMIS. However, Member States should carefully consider whether this is the correct status of declaration. It should only be used only when it is clear beyond doubt that no transposition is required in their Member State (for example, because the subject matter of the directive is geographically irrelevant for the Member State).

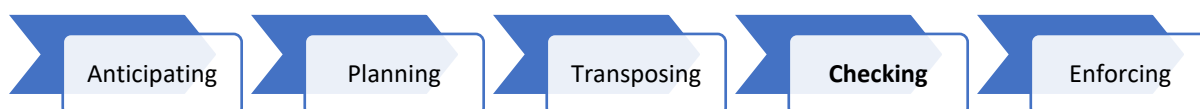
It may happen that Member States use the 'NOT REQUIRED' option but nonetheless notify a transposition measure. This misunderstanding can happen in cases where no new transposition measures are necessary as the directive is transposed via a national measure already submitted via Themis/Directives. In such cases, the Member States should instead use the function 'Reuse existing notification' and then mark the transposition as complete.

Member States may also encode 'NOT REQUIRED' when they consider that no transposition is necessary as they already have a fully compliant legal framework in place. In such cases, the Member States should notify their pre-existing measures and set their declaration of transposition as 'COMPLETE'. They should also provide an explanatory document detailing how the provisions of the directive are already incorporated in the national legal framework.

Regulations amending directives

Regulations amending directives that do not include a transposition deadline for the notification of the amended provisions do not require transposition and are therefore not registered in THEMIS/Directives. However, if regulations amending directives contain a transposition deadline, the relevant part(s) of the regulation modifying the directive(s) must be transposed and registered in THEMIS/Directives (as an example, Regulation (EU) 2023/1113). Potential infringement procedures would be based on Articles 258 TFEU and not on Articles 258-260(3) TFEU.

2.4. Checking the national measures by the Commission services



Once the transposition deadline of a directive is elapsed and Member States notified their transposition measures, the Commission services start their compliance checks. These are divided in two processes, first the checking of the completeness of the transposition and second the checking of the conformity of the transposition.

2.4.1. Checking completeness to verify if no transposition obligation has been omitted

If a directive has more than one transposition deadline, the assessment is conducted for each transposition deadline independently while special care is given to the possible interaction of provisions of the directive concerned.

The completeness check normally **starts when the Member State declares complete transposition**. If the transposition deadline is passed, Commission services check the transposition measures as soon as they are notified by Member States.

Commission services check the notified national measures and assess if each Member State has transposed into their national laws **all self-standing provisions** of the directive. The completeness check ensures that the national transposition measures cover every self-standing obligation contained in each article and sub-article/paragraph of the directive to be transposed. This includes the annexes, where relevant.

If Member States fail to notify the transposition measures or only notify partial transposition measures, an infringement procedure for non-communication is launched without delay.

2.4.2. Checking conformity to verify if the directive is correctly transposed

Conformity checks are initiated by the Commission. The Commission services assess whether the Member States' national transposition measures are in line with the requirements of the directives. This means checking whether all obligations stemming from the directives have been correctly incorporated into the national legislation.

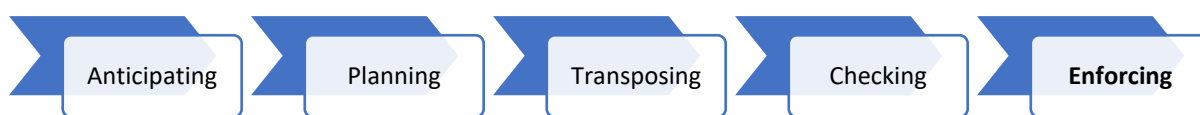
In general, the conformity check only starts **once the previous phase** of the completeness check – including a possible infringement procedure for failure to communicate transposition measures – has been **completed**.

Where non-conformity issues are identified, the Commission will launch an **infringement procedure** for incorrect transposition.

If doubts remain, the responsible Commission service might prefer to first clarify these issues with the Member State concerned, for instance through the **pre-infringement dialogue**.

Once the compliance (completeness and conformity) check of a given directive is finalised and the transposition is considered as in conformity with the directive, infringements concerning the directive may still arise, based either on **bad application** (often triggered by complaints) or **future non-conformity** (when new measures are introduced in the national legal framework contradicting with the directive).

2.5. Enforcing the directive’s obligations when transposition measures are missing or are incorrect



2.5.1. The Commission’s enforcement action for the failure to notify national transposition measures

The Commission launches an infringement procedure for failure to notify national transposition measures in the following cases:

- Shortly after the transposition deadline, when the Member State has not notified any transposition measure or declared only partial transposition.
- The Commission, after conducting a completeness check of national transposition measures, considers that the Member State has not notified or only partially notified the text of the provisions of national law transposing an EU directive even if the Member State has declared complete transposition.
- The Member State failed to indicate in a sufficiently clear and precise manner the national measures transposing the different obligations imposed by a directive, as required by the Court of Justice (case C-543/17).

Where the directive concerned was adopted under an ordinary or a special legislative procedure ('legislative directive'), the Commission proposes to the Court, under Article 260(3) TFEU, to impose a lump sum and penalty payment in the same judgment that finds that a Member State has failed to notify measures transposing a directive.

2.5.2. The Commission's enforcement action for incorrect transposition measures

The Commission launches an infringement procedure for incorrect transposition of the directive under Article 258 TFEU.

After completion of the completeness check of the national transposition measures, the Commission checks the conformity of those measures. If it identifies instances of incorrect transposition, the Commission may launch directly an infringement procedure under Article 258 TFEU. If doubts remain in the transposition, the Commission may have recourse to the pre-infringement dialogue (THEMIS/Dialogue) first.

The pre-infringement dialogue through THEMIS/Dialogue is the privileged channel for carrying out an informal dialogue between the Commission and the concerned Member State on an administrative level. While it is not a mandatory step in the overall enforcement procedure, the pre-infringement dialogue is the default option when informal administrative contact is considered useful. This is especially true when the Commission needs to gather further information on facts or on the national legal framework before launching an infringement procedure or to clarify a specific (conformity) issue with the Member State. The pre-infringement dialogue can also be used when it seems more likely that an issue could be resolved through an informal channel than through a formal procedure.

Regarding the transposition of directives, the use of the pre-infringement dialogue can be particularly helpful to clarify uncertain issues during the conformity assessment of the transposition of a directive, either to avoid the launch of an infringement or in view of reducing the scope of a potential non-conformity infringement.

3. National practices and available resources

3.1. National practices identified as particularly helpful

3.1.1. Passing on knowledge from Council negotiations to the transposition phase – Sweden

During Council negotiations, participating national experts gain important information about why an EU legal act takes its final form. This includes insight into different interpretations discussed during the negotiations, as well as the positions of other Member States and EU institutions.

To support correct and efficient implementation, it is helpful to ensure that this knowledge is passed on to those responsible for implementing the legal act at national level. A good practice is for national experts who took part in the negotiations to also be involved in the implementation phase.

Where this is not possible, experience shows that it can be useful to document key information from the negotiations. This may include explanations of important compromises, the intention behind specific wording, and potential implications for implementation. Such information can be brought together in a short negotiation report.

3.1.2. Conducting a legal analysis already during the negotiation phase of the directive – Spain

In some Member States, an impact assessment of the Commission's legislative proposal is prepared at very early stage. Even before the publication of the Directive or Regulation, this assessment identifies the ministry or ministries responsible for its transposition or implementation. It also includes an initial legal analysis of the instrument and an early drafting of correlation tables.

In Spain, for example, from the moment the directive is published, the responsible ministry – once it has formally accepted this designation – prepares an internal roadmap or transposition plan, to be completed within a two-month period. This planning exercise identifies the national legislation that will transpose the directive and determines the appropriate legal instrument (law, regulation, administrative order, etc.), together with the necessary pre-legislative and legislative procedure and its indicative timeline.

3.1.3. Providing adequate IT solutions to support the monitoring processes – Germany

The existence of a dedicated IT platform to support the monitoring and tracking of the transposition of directives is also considered as particularly helpful.

Germany, for example, has a national database for the monitoring the implementation of directives, which is the basis for the monitoring. The national database is linked to THEMIS. Implementation schedules are kept up-to-date and draft versions of the respective directive implementations are uploaded. Subsequently, the actual implementing acts and explanatory documents will also be uploaded and forwarded to THEMIS. Based on the evaluation possibilities of the national database, the

monitoring is carried out centrally by the European Department in the Federal Ministry for Economic Affairs and Energy. Within this department, there is also the coordination of all infringement procedures against Germany as well as the legal representation at the Court of Justice of the EU.

In addition to central monitoring, the line ministries each have competent bodies for internal monitoring of the implementation of Directives, which provide technical support for the implementation, maintain the database entries and ensure coordination with the central service. This monitoring makes it possible to address the implementation of directives and the handling of infringement procedures at the appropriate level and, in critical cases, to continue the dialogue on this at the political level to find individual solutions.

3.1.4. Setting up robust coordination processes in federal systems – Belgium

Due to its federal structure, Belgium has an internal network of contact points for transposition, the pre-infringement dialogue, infringement procedures, and cases before the Court of Justice of the EU. All administrations (federal, regions and communities) have a representative called a ‘Eurocoordinator’. These Eurocoordinators are responsible for following all cases within their departments through their experts. The Directorate-General for EU Affairs (within FPS Foreign affairs) act as coordination service and monitors this network. Monthly meetings are held.

A new strategy with “impact sheets”, based on practices already in place in the Netherlands and in France, has been rolled out in 2023, together with a national transposition guide. The objective is to determine the different competent authorities as soon as possible and to indicate the authority that will take “the lead” in the transposition of a certain directive. In some cases, more than 10 different administrations can be competent.

At least twice a year since 2023, training sessions are organised for Belgian experts in the transposition process. The training is part of an outreach initiative with the aim of presenting new strategies at national level for transposition, challenges and consequences associated with transposition (and infringements) and promoting collective awareness of the importance of transposing directives. The training is also available on demand for different stakeholders.

A new IT tool “Eurtransbel” is under development. This tool aims to digitise and centralise all information regarding the proposals for a directive, the directives and the infringements. The idea is to create a platform similar to but not a duplication of THEMIS, where all Belgian entities can submit their implementation/action plan and update their current situation internally. In this way, the coordination service can more easily analyse the information and can intervene more quickly when there is a problem. A full operation is planned for the summer of 2026.

3.1.5. Following clear rules on monitoring and allocation of tasks – Greece

The responsibility of monitoring the transposition process in Greece lies with the General Secretariat for Legal and Parliamentary Affairs of the Presidency of the Greek Government, a central, autonomous public service, directly subject to the Prime Minister and which acts as the Central Coordinating Body.

During the planning stage, input is received by the Permanent Representation to the EU and the Hellenic Parliament and a preliminary assessment and recording of the acts under negotiation is performed.

During the transposition stage a series of practices are at place in view of monitoring deadlines and ensuring compliance with EU secondary legislation. The main principles are as follows.

Allocation of competence is finalized after publication of an act in the Official Journal of the EU and upon official order of the General Secretary for Legal and Parliamentary Affairs, which is addressed to the lead ministries' political head and notified to the services responsible to carry out the legislative procedure. Timelines are set at this stage.

Transposition contact points are appointed in all line ministries following approval of the ministers' offices. The latter are entitled to facilitate internal and interministerial consultations, to follow up each ministry's cases, to inform political leadership and to regularly report to the General Secretariat for Legal and Parliamentary Affairs.

A central database is maintained, including all material related per case.

Yearly transposition tables are drafted; these are regularly updated and disseminated to all actors involved.

Regular meetings are organised under the auspices of the Central Coordination Body with the participation of transposition contact points and the supervision of ministers' cabinets. Ad hoc meetings may be organised, if required e.g. in case of complicated directives, or when there appears a need to address internal legal issues, conflict of competences or coordination issues.

Progress of all law-making committees is regularly monitored, while specific law drafting committees may be established with the initiative of the Central Coordinating Body, when it is deemed necessary (directives with horizontal character, conflict or overlap of competences, need to address specific political issues).

An administrative toolbox is in place to ensure homogenous procedures (in specific as to transposition assessment, reporting, correlation tables and communication). Use of the templates of the Commission and its common procedures is largely expanded.

High level political supervision is enshrined regarding pending cases.

As regards the legislative aspects of the transposition process, the Central Coordinating Body plays a key role by participating in the designation of the suitable national transposition measure, in reviewing its compliance with EU law, as well as in performing the final editing of correlation tables and other administrative documents (e.g. transposition roadmaps). It may also provide ad hoc expertise during all stages of legislative procedure. Besides, review of legislative material is performed on a regular basis, with a view to ensure timely inclusion of provisions aiming at compliance with EU law and proper legislative progress. Furthermore, the services of the Central Coordinating Body perform regular follow-up of national legislation, with a view to detecting provisions that are opposite to EU law or cases of gold plating or non-observance of the interconnection clause. Last, but not least, uploading material in THEMIS/Dir and thus, further publication in the Official Journal of the EU takes place only upon approval of the General Secretary for Legal and Parliamentary Affairs.

As regards technical support to the line ministries, the Central Coordinating Body supports the following activities:

- A specific training module is scheduled, in order to reinforce the skills of the line ministries and authorities' staff, involved in the transposition process.
- Specific manuals are elaborated.
- National templates are elaborated and circulated.
- European Commission's Practices are disseminated to line ministries and specific activities are organized to make the staff familiar with novel instruments.

3.1.6. Keeping the balance between federal responsibilities and strong oversight at central level – Austria

In Austria the competent ministries and if affected the state (provincial) government offices are primarily responsible themselves for the complete and correct transposition of directives. The lead ministry responsible for the matter plays a special role in this.

Nevertheless, the Austrian Federal Chancellery works towards the timely and complete transposition of directives. The dedicated service tasked with the monitoring of the transposition and the handling of infringements is a section of the division in charge of EU proceedings within the Legal and Constitutional Service of the Federal Chancellery. The monitoring is carried out using the Federal Chancellery's database for the transposition of directives ("EU-Recht Umsetzungsreporting – EUREP"). The ministries and state (provincial) government offices must enter their responsibilities for transposition and transposition plans as well as the transposition measures that are to be notified via the database THEMIS of the European Commission.

The transposition officers of each ministry and state (provincial) government office are also informed monthly about new directives published in the Official Journal via the database. Furthermore, the Federal Chancellery sends a monthly table of the directives that have not yet been transposed completely to the transposition officers of the ministries and state (provincial) government offices. This table contains the transposition deadlines, the authorities specifically responsible for the transposition and the transposition status, as well as the procedural number of any pending infringement proceedings in this regard.

Furthermore, the so-called "transposition commission", chaired by the Federal Chancellery and composed by the transposition officers of the ministries and state (provincial) government offices, meets four times a year to discuss transposition issues.

Depending on the occasion, there are also meetings on specific questions regarding the transposition of a specific directive. If infringement proceedings for the transposition of a directive are pending, the Federal Chancellery regularly requests information of the transposition progress at intervals of one to two months.

When several ministries and federal states are involved, the coordination effort increases and becomes more complex. Austria addresses these challenges also with the national database EUREP, particularly by using an interactive template for the correlation table.

3.1.7. Involving the national Parliament and stakeholders, early in the process and a specific model structure for a government proposal with an EU background – Finland

National stakeholders are often heard already when preparing and negotiating a proposal of an EU act, which gives us information on possible transposition issues of the proposal in Finland. Having a better understanding of possible issues when we prepare our positions on the proposal facilitates the transposition of the act at a later stage. The Commission's ongoing public consultations are often communicated separately to national stakeholders. The Government's EU coordination system includes sub-committees, some of which have a broad composition including stakeholders who can be consulted on the proposal of an EU act in the committee. In addition, opinions can be requested and meetings for discussions with stakeholders can be held on the proposal.

The cooperation between the Government and the Parliament already during the negotiation stage also contributes to transposition (or implementation) of an EU act. The Government gives to the Parliament a communication which contains a summary of the EU proposal and the main points of the Government's position to the proposal and a general assessment of the regulatory, economic and other impacts of the proposal. It is assessed whether the provisions of the proposed EU act are compatible with the national legal system and how the act can be transposed (assessment at least at a general level). The identification of possible transposition challenges facilitates the subsequent transposition. In the Parliament, the relevant committees discuss the matter and may also hear specialists or stakeholders on the proposal. After that the Parliament gives a statement on the matter and the Government takes it into account in the negotiations.

A legal national act transposing (or implementing) an EU act (often the question is of the transposition of a directive) follows the same procedure as a legal act that is purely of domestic origin. However, there is a specific model structure for a government proposal with an EU background. This kind of Government proposal includes among other things:

- a general description of the aim and content of the EU legislation to be transposed;
- the proposed national provisions and a detailed description of how the provisions of the EU act in question are proposed to be transposed (the equivalence between those provisions);
- in case an EU act allows the Member States some discretion (freedom of choice), a description of how the discretion is proposed to be used (the options should also be described);
- the assessed impacts of the proposed national provisions;
- the outlook into how other Member States have transposed or are going to transpose the EU act, if available;
- description of the relevant case law of the Court of Justice of the EU; and
- assessment of constitutional issues and also relationship of the proposal with the Charter of Fundamental Rights of the EU, if relevant.

3.1.8. Regular reporting to the political level and coordinated processing of information thanks to a centralised IT application – Cyprus

The timely and proper transposition of European legislation into the national legal order is a matter of priority, both for ensuring the compliance of the Republic of Cyprus with the European acquis and for avoiding infringement proceedings. The cooperation between the Ministry of Foreign Affairs, the Legal Services and all competent Ministries/Deputy Ministries and other authorities is of particular importance in order to continue, and also to accelerate, the harmonisation procedures without infringements.

Following instructions from the President of the Republic and the Minister of Foreign Affairs, a detailed monthly report must be submitted to the Council of Ministers regarding the ongoing infringement procedures, the progress of the transposition of European legislation, and compliance with the relevant timelines.

In this context, the role of the Electronic Platform for Monitoring Harmonisation with the Acquis and Infringements against the Republic of Cyprus is equally important, and all authorities are called upon to strengthen their contribution to this platform. The General Secretariat of European Affairs of the Ministry of Foreign Affairs continues to support and provide training to officers who face difficulties in using the platform and continues its excellent collaboration to ensure optimal synergy in updating the Road Maps and preparing the new explanatory documents.”.

3.1.9. Focused attention to the implementation of EU law – Portugal

Task force on the application of EU Law

A dedicated task force meets regularly at political and technical level to address problems related to the application of EU Law. The Task force includes representatives from key governmental cabinets and from national entities. Its main functions are to monitor overall progress of transposition, to overcome legislative difficulties, to address urgent infringement cases, and to facilitate information exchange. Meetings may focus on general developments or specific sectoral areas, helping to prevent delays in transposition or implementation and resolving issues early.

Monthly Reporting on transpositions, infringements and litigation before the CJEU

Monthly reports are prepared by the Coordination Unit and shared with government cabinets, covering pending transpositions, infringements, and cases before the Court of Justice of the EU.

Transposition planning tools - transposition sheets

In order to correct the gap between the team that negotiates the EU Directives and the one that is in charge of the legal procedure of transposition, for Directives published since 1 January 2025, transposition files are prepared by the coordination unit and jointly completed by the coordination unit and sectoral ministries. These files include the identification of Scoreboard Directives, transposition plans and type of legislative instruments of transposition and complementary legislation needs. The goal is to anticipate structural difficulties in the transposition process and ensure timely transposition.

3.1.10. Close monitoring throughout the process – Hungary

Planning

The transposition process begins with the monitoring of the Official Journal of the European Union. The Ministry of Justice monitors the Official Journal on a daily basis in order to identify legal acts requiring transposition or implementation and informs the competent ministries on a weekly basis.

In addition, ministries are required to prepare law approximation proposals for each EU legal act that requires transposition or implementation. Pursuant to Government Decree No. 302/2010 (XII. 23.), law approximation proposals must be prepared within 30 days of the publication of the EU legal act concerned, unless more urgent action is required. A total of 60 days is available for their finalisation.

Law approximation proposals are prepared for each EU legal act requiring transposition or implementation. Responsibility for preparing the proposal normally lies with the ministry or government body responsible for preparing the national implementing legislative proposal. Where the transposition process involves multiple legislative measures, responsibility lies with the ministry that participated in the EU decision-making procedure leading to the adoption of the legal act.

The law approximation proposal includes the timetable for adoption and entry into force of the national measures. The timetable must ensure compliance with the transposition or implementation deadline set out in the EU legal act.

The ministry responsible for preparing the law approximation proposal collects the opinions of the relevant ministries and government bodies and submits the finalised proposal to the Ministry of Justice. During implementation, the proposal may be amended under the scrutiny of the Ministry of Justice where necessary.

Transposition

The Ministry of Justice checks draft legislation in order to ensure compliance with obligations deriving from EU law. During the examination of draft legislation, the Ministry of Justice also reviews the law approximation proposal and the timetable established therein. On the basis of the progress of the transposition process, the proposal and the planned timetable may be amended where necessary.

The ministry responsible for the EU legal act is required to submit an explanatory document for each legislative proposal, enabling verification of the conformity of national legislation with EU law.

The transposition process is accomplished when the transposing or implementing national legislation is published in the Hungarian Gazette. In order to comply with the notification obligation attached to directives, an explanatory document is prepared and conciliated in each case. For directives, this serves as the basis of notification.

Regarding the last step of the transposition procedure in Hungary, the Minister of Justice continuously monitors the fulfilment of tasks related to law approximation programming and law approximation legislation. Together with the Ministry responsible for the coordination of EU affairs, the Ministry of Justice regularly reports to the Government on delays identified in the course of these tasks.

As part of this reporting obligation, the Ministry of Justice submits monthly reports to the Government on the most urgent law approximation tasks of the ministries, in particular those that may lead to the initiation of infringement proceedings or to further steps in ongoing infringement procedures.

EuConfLex system

In order to monitor the state of play of transposition processes generally, the Government Decree No. 302/2010 (XII. 23.) also provides for the recording of data related to legal harmonization. According to this, the Ministry of Justice operates an up-to-date transposition database (EuConfLex), which ensures the monitoring of transposition of directives, as well as the implementation of other EU legal acts (such as regulations, decisions).

3.2. Available resources

3.2.1. Contact points with the Commission

Please only contact the Commission services through the national coordination services or the Permanent Representation to the EU, according to your national agreements.

SG EU law network - SG-EU-LAW-NETWORK@ec.europa.eu

Questions related to the activity of the EU law network. This network brings together Member State representatives responsible for the coordination and monitoring of the transposition of directives, handling pre-infringement dialogues and infringement procedures. This group discusses general questions on procedures, technical improvements and coordination issues. It also manages working groups, such as the transposition working group.

SG THEMIS DIRECTIVES – SG-THEMIS-DIRECTIVES@ec.europa.eu

Correspondance on specific issues/questions related to the transposition of a given directive, questions related to THEMIS/Directives, practicalities of notifications, requests to correct erroneous notifications done in THEMIS/Directives.

SG THEMIS DIALOGUE - sg-themis-dialogue@ec.europa.eu

Correspondance related to the pre-infringement dialogues. General questions and issues related to THEMIS/Dialogue and procedural questions on the pre-infringement dialogue.

SG INFRACTIONS - Infractions@ec.europa.eu

Correspondance related to the handling of infringement procedures.

3.2.3. Transposition roadmap

The image shows a screenshot of a web-based form titled "Edit transposition roadmap". The form is divided into three main sections, each with a question mark icon and a text input area:

- Transposition approach & context**: The text input area contains "Transposition approach & context". A character count "32 / 4000" is visible at the bottom right of this section.
- Actors involved in the process**: The text input area contains "Actors involved in the process". A character count "30 / 4000" is visible at the bottom right of this section.
- Points of attention**: The text input area contains "Points of attention". A character count "21 / 4000" is visible at the bottom right of this section.

A blue curved arrow points from the first section to a tooltip box. The tooltip box has a dark header with the text "Edit transposition roadmap" and a question mark icon. The main body of the tooltip contains the following text:

This section should detail the overall approach that the Member State intends to adopt regarding the transposition of the directive. It should specify if legislative changes are necessary and if stakeholders need to be consulted and how such consultation impacts on the transposition process. An indicative timeline of the transposition process should be specified. If any, it should also detail the impact of the transposition on other policies within the Member State.

3.2.4. Note to the EU law network on the interconnection clause (30 April 2024)



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Deputy Secretary-General - Policy Coordination

Brussels
SG.E.3

NOTE TO THE MEMBERS OF THE EU LAW NETWORK

Subject: Interconnection clause in directives – publication of transposition measures in EUR-Lex - pilot phase

The interconnection clause in a directive obliges Member States, when transposing a directive, to refer to the directive in question. This can be done either directly in the provisions that are adopted to transpose the directive, or when these provisions are officially published. This requirement also applies for national laws that already existed when the directive was adopted, but that ensure the transposition of certain provisions of the directive.

The Commission gave details of the legal obligations resulting from the interconnection clause at the EU Law Network meetings of 25 May 2023 and 1 December 2023. At the EU Law Network meeting of 1 December 2023, several Member States pointed to legal and procedural difficulties in publishing official notices for legislation pre-dating a directive. Other Member States explained the methods they used to comply with the requirements of the interconnection clause. Overall, there was widespread support by Member States for relying on the publication of national transposition measures in EUR-Lex to satisfy the requirements of the interconnection clause. The Commission informed Member States' delegations that in its view, legal considerations make it difficult to accept publication of transposition measures on EUR-Lex as a substitute for an official publication at the national level.

In the light of the arguments and concerns brought forward by Member States, the Commission committed to reconsidering its approach.

Following further consideration, and while the Commission maintains its legal position explained at the EU Law Network meeting on 1 December 2023, it is acknowledged that the publication of national transposition measures on EUR-Lex gives citizens and businesses easy and reliable access to the implementation of directives by Member States. Provided that appropriate information is published on EUR-Lex, publication in this way could be considered an effective instrument to establish the link between national transposition measures and the directive, including for national legislation pre-dating the directive.

Currently, the meta-data of the transposition measures of all Member States are available on EUR-Lex following their notification via THEMIS/Directives. For 19 Member States, EUR-Lex also publishes a hyperlink to their transposition measures and/or the measures in .pdf format, following their agreement given to the Publications Office.

The Commission is willing to explore a pragmatic way forward, to ensure appropriate publicity for national transposition measures – in particular those pre-dating a directive – and to effectively link ('inter-connect') those measures to the directive. The Commission would therefore like to propose a **one-year test phase, during which the official publication of national transposition measures required by the interconnection clause is ensured via**

SENSITIVE

EUR-Lex. This publication should be complete and cover all national transposition measures, both post- and pre-dating the directive. All notifications will continue to be done exclusively via THEMIS/Directives.

During the test phase, it will be required that the reference in EUR-Lex to the national transposition measures **includes a hyperlink** that gives direct access to the national official publications of those measures **and/or the text of the measures in .pdf format**. The meta-data alone are not sufficient.

At the end of the test phase, the Commission will evaluate the results and Member States' practices. If the test phase is not found to have delivered the required results, the Commission reserves its right to resume enforcing the obligations flowing from the interconnection clauses. In the meantime, grievances in ongoing pre-litigation proceedings or enquiries about the fulfilment of the requirements under interconnection clauses will not be pursued, if Member States have agreed to the publication of hyperlinks and/or documents directly on EUR-Lex.

Despite the clear advantages of the EUR-Lex solution in terms of accessibility, Member States have the right to opt out of this publication method if they commit to referring systematically and directly to the directives in their national transposition measures or to publishing national official notices to that effect, both for national legislation pre-dating and post-dating the directive.

We would therefore ask you to **confirm by email to the functional mailbox SG EU LAW NETWORK by 15 June 2024 the option chosen** for your Member State as regards the interconnection clauses in EU law:

1. Publication of hyperlinks/ELI links on EUR-Lex;
2. Publication of measures in .pdf format on EUR-Lex;
3. Publication of hyperlinks/ELI links and measures in .pdf format on EUR-Lex;
4. Publication of a reference to the directive on the occasion of the national official publication of the transposition measures.

Of course, Member States are encouraged to continue their practice of adding a direct reference of the directive concerned to the national transposition measures, where possible. This is still the most direct way of making the link between the relevant national and EU laws.

We hope that the proposed pilot phase can provide a good basis to find a pragmatic solution to the problems encountered with the application of the interconnection clause. Your cooperation in this matter is appreciated.

Elisabeth WERNER

3.2.5. Email to the EU law network on the interconnection clause (28 May 2025)

Dear colleagues,

Thank you for the many positive replies received in reaction to our note addressed to the EU Law Network of 30 April 2024. We are pleased to see that many Member States intend to make use of the options of publishing hyperlinks/ELI links and/or measures in .pdf format on EUR-Lex.

At the same time, we would like to recall, as set out in the note, that a reference to the directive in the national transposition measures, or the publication of a national official notice to that effect for pre-existing legislation, remains a valid alternative to publications on EUR-Lex.

Several Member States have raised questions on different aspects of the note, which we seek to answer through the below additional information.

Kind regards,

SG EU Law Network

Additional information on the note of 30 April 2024 addressed to the EU Law Network as regards the interconnection clause

- **One-year test period – timing, scope and assessment:** the test period starts with the date of the note, i.e. 30 April 2024. The test period applies to all directives with an interconnection clause. As regards transposition measures notified to the Commission in the past, and for which the Member State concerned had not agreed, at the time, to publish a hyperlink and/or pdf document, there will be no retroactive publication of these on EUR-Lex. There is one exception: if there is an ongoing infringement procedure with the interconnection clause as a grievance and the Member State concerned, for the transposition measures not fulfilling the interconnection clause, had not agreed, at the time, to publish a hyperlink and/or pdf document on EUR-Lex. In such a rare and exceptional case, if the Member State concerned now chooses options 1 to 3 of the note on the interconnection clause, we will assess the possibility of publishing a hyperlink and/or pdf document retroactively on EUR-Lex so that the interconnection clause grievance in the infringement procedure can be dropped.

The Commission will take stock of the approach at the beginning of 2025 and inform Member States in due time. Some aspects the Commission will take into account in its assessment are the Member States' feedback and implementation of the possible options set out in the note, the compliance with the options chosen, transparency benefits and possible new case law by the Court of Justice of the European Union (if any).

- **Procedure and responsibility for publishing transposition measures on EUR-Lex:** as set out in the note, each Member State should indicate to the Commission by e-mail the option chosen. For those Member States that opt for options 1 to 3 and that have not provided their agreement to publish hyperlinks/ELI links and/or measures in .pdf format on EUR-Lex, they should clearly specify such agreement in the e-mail sent to SG EU LAW NETWORK.

For the publication of measures in .pdf format, no further action is required by the Member State since the transposition measures in pdf. format are readily available in THEMIS after notification by the Member State (it is not possible to notify a measure in THEMIS without attaching the text of the measure). The Commission ensures their transmission via THEMIS to EUR-Lex for publication through an automated process. As regards the publication of hyperlinks/ELI links, the Member State is responsible for correctly including this information in THEMIS when notifying the transposition measure. The hyperlink/ELI link can only be published on EUR-Lex if the Member State provides that information in THEMIS. The Commission transmits the hyperlinks/ELI links through an automated process to EUR-Lex. ELI links or ‘national links’ (e.g. hyperlinks to the national official journal) are both accepted for the purpose of the interconnection clause. The Publications Office in charge of EUR-Lex is running regular checks to verify that the publication of data transmitted to EUR-Lex works technically.

- **Option 2 ‘Publication of measures in .pdf format on EUR-Lex’ for national legislation predating the directive:** the pdf. document being published on EUR-Lex does not contain a reference to the directive as it comprises national law predating the directive. The reference to the directive is instead ensured by the metadata accompanying the publication on EUR-Lex. Option 2 therefore also works for national legislation predating the directive. However, publishing only the metadata on EUR-Lex without measures in .pdf format (or hyperlink/ELI link – option 1) is not sufficient.
- **Option 3 ‘Publication of hyperlinks/ELI links and measures in .pdf format on EUR-Lex’:** This option means that measures in .pdf format are published in all cases, since the measure in .pdf format is available to the Commission by default after notification of a measure in THEMIS. The idea behind this option is that the Member State also publishes the transposition measures through hyperlinks/ELI links. This option 3 however also includes the scenario of a Member State ensuring the publication only through the .pdf format, for example in situations where an ELI link is not available (e.g. for certain codified measures). This would be acceptable for the Commission in the context of the note and the interconnection clause.

- **‘grievances in ongoing pre-litigation proceedings or enquiries about the fulfilment of the requirements under interconnection clauses will not be pursued’** (quoted from the note): this means that the Commission will not take any further step in relation to the interconnection clause in ongoing infringement procedures or administrative enquiries. If the interconnection clause appears to be the only remaining grievance in an ongoing infringement procedure, the case may be proposed to the Commission for closure. If there are remaining grievances other than the interconnection clause, these grievances may be pursued with a next step in the procedure.

3.2.6. Greek example of an implementation report

A REPORT ON THE IMPLEMENTATION OF THE DIRECTIVE..

I. General information on the Directive

Directive:
Deadline for transposition:
Subject matter of the Directive:
Purpose of the Directive:
Accelerating Ministry/Authority:
Requesting address/department:
Contact details of the responsible official and his/her alternate:
Ministry representation in the negotiation (MEA/WG):

Views of the competent ministry on the proposal for a Directive to Parliament (41B UK):
Contact details of contact person:
Parliament's opinion on the proposal for a Directive:

II. Co-responsible ministries

Co-responsible ministries:

Actions to consult co-responsible ministries and authorities during the EU legislative process phase:
Actions to consult co-responsible ministries and authorities during the integration phase:

III. Assessment of the national framework

Existing national framework:
Provisions to be repealed/amended:
Provisions to be adopted:

IV. Documentation of a national transposition measure

There are provisions that are not related to the Directive [Justification]
Power to adopt regulatory acts

V. Planning for the implementation of the Directive

Required resources:

Measures to be taken:
Establishment of principles:
Amend provisions on the competences of existing authorities:

VI. Timetable for transposition of the Directive

VII. Framework for communication with the European Commission – Infringement procedure

Communication framework with the European Commission
Infringement procedure for late or incorrect transposition (deadlines, replies to European Commission)
Correlation with existing infringements:
Inclusion in the Internal Market Performance Table: YES/NO

VIII. Transparency and Services Directive

Introduction of a technical regulation
(Directive 2015/1535)
Notification obligation for a regime of internal market restrictions (Directive 2006/123/EC)

IX. Matching table: