

Transposition of the EU directives in Croatia: Infringe or not to infringe, that is the question!

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Abstract: The core idea of the European Union rests upon the notion of the uniform application of the EU law. Given that the majority of the EU legislation is adopted in form of the directives, in the meaning of general acts which oblige the member states to incorporate the directive and its rationale in their legislation, the transposition of directives under the EU law is one of the most visible instruments to assess the Member State's willingness to respect the EU law. The transposition of EU directives is being carefully monitored by the European Commission and results show that the transposition deficit in the EU still presents a relevant problem in the EU. The European Commission, as the guardian of the treaties, in accordance with the Article 258 TFEU can initiate an infringement procedure before the ECJ. However, the quantity of the cases, especially in comparison to the other instruments which the EC applies prior to the court proceeding, is not. The paper analyses the problem of transposition, and consequently the application of the Article 258 TFEU in Croatia as a youngest Member State with the purpose to answer the following questions: (1) to what extent is the Article 258 applied in relation to Croatian transposition of directives, in which policy areas and in which periods, (2) what are the main reasons for the delays or incorrect transposition, (3) what are the key features of the procedure in Croatia in terms of administrative support and representation before the ECJ. In order to answer the research question an extensive analysis of the EC database on monitoring of transposition in Member States is analysed in relation to the variables of the status, time, and sector of late or incorrect transposition for the 9 year period. Also, the methodological approach also includes interviews of the administrative and government stakeholders to analyse the model and the causes of late or incorrect transposition, as well as comparative analysis of the administrative and representation instruments to assess the main features of Croatian model.