Infringement proceedings under Articles 258-260 TFEU constitute the key means of enforcement used by the European Union to induce and encourage Member States to comply with the EU acquis. Infringement proceedings are often perceived as a success story: a system of adjudication which is frequently used, aims to restore a situation of legality in the interest of the whole Union, and produces results generally accepted, thanks to a mechanism for imposing penalties. However, both institutional actors and legal writers have, on numerous occasions, made a number of criticisms of different aspects of this procedure (in particular, as regards its effectiveness, timeliness and transparency).

In this PhD, the author has thus investigated the following questions:

(1) Are infringement proceedings an appropriate means of ensuring observance, by Member States’ authorities, of the EU acquis?

(2) If not, what changes need to be made in order to ensure that, both now and in the future, those proceedings can play a key role in ensuring observance of the EU acquis?

To answer these questions, a broad and in-depth reflection on the role and functioning of such proceedings within the EU legal order has been undertaken. The first part of the PhD illustrates, on the basis of the applicable legal provisions as well as the relevant case-law of the European Court of Justice, how infringement proceedings take place today. Against that background, in the second part of the PhD, those proceedings have been critically assessed, and changes for the future have been proposed. The proposed reform aims to achieve three main goals: to simplify and shorten the procedure; to make the procedure more accountable and transparent; and to enhance the position of individuals within the procedure. That reform is based on three sets of measures, or pillars. The first pillar consists in a modification of Article 258 TFEU which would allow the Commission, in certain circumstances, to adopt a decision declaring an infringement under Article 258 TFEU, instead of merely issuing a reasoned opinion. The second pillar of the proposed reform consists in the strengthening of the private enforcement of EU law. To that end, it is suggested that citizens should be granted wider access to the documents pertaining to infringement procedures. Finally, the third pillar of the proposed reform consists in a number of flanking measures aimed at making the procedure even faster, more efficient and more transparent by, inter alia, enabling citizens to play a more active role in the procedure, permitting an easier third-party intervention in the court proceedings, allowing more legal certainty over the imposition of financial penalties under Article 260(2) and (3) TFEU and reinforcing the instrument of interim measures.