

Transposition of EU law into national law

Topic for discussion at SERA Conference 14th June 2017

Tabled by NSA-IE

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- Clear, precise transposition of Directives is required.
- Transposition tables indicate what to transpose, but not how.
- Correct interpretation helps to assure legal cohesion.
- MS may also make a direct reference to the Directive, where the text is technical in nature and there is no margin of discretion.
- “The NSA shall be entrusted with..., where appropriate, enforcing and updating the safety regulatory framework...”. [Art. 16(2) of RSD].
- Mutual discussions (Ministry, NSA and MS lawyer) improve transposition.
- In transposing Directives, how does the MS –
 - Involve the competent authority (the NSA)?
 - Ensure transposition is precise and complete?
 - Use harmonised and detailed transposition matrices?
 - Use references to the Directive to achieve cohesion and simplicity?