

25th annual report from the Commission on monitoring the application of community law (2007)

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The Committee on Legal Affairs adopted the own-initiative report drawn up by Monica FRASSONI (Greens/EFA, IT) on the 25th annual report from the Commission on monitoring the application of Community law (2007). Members regret that, unlike in the past, the Commission has not responded in any way to the issues raised by Parliament in its previous resolutions, in particular the resolution of 21 February 2008. They note the lack of significant improvement with regard to the three fundamental issues of transparency, resources and the length of procedures.

The report calls on the Commission:

- to abide by its commitment to publish all its infringement decisions, given that the publication of those decisions, starting with the registration of a complaint and followed by all subsequent acts, is a vital tool with which to curb political interference in the management of infringements;
- to provide Parliament, as repeatedly requested, with clear, exhaustive data on the resources earmarked for the processing of infringement cases in the various Directorates-General;
- to consider introducing a simplified, less bureaucratic procedure for the issuing of formal notice against a Member State which has failed to fulfil its obligations, in order to take swift advantage of the effectiveness of this measure.

The Commission must ensure that judgments delivered by the Court of Justice are properly enforced.

The committee notes that, of the new cases of infringement in 2007, 1 196 concerned a failure to notify national measures relating to the transposition of Community directives. It considers it unacceptable that the Commission should grant itself 12 months to deal with simple cases of non-communication of transposition measures by a Member State, and calls on the Commission to take automatic and immediate action in respect of cases of this kind which do not require any analysis or assessment.

Furthermore, Members consider that there are still no clear procedures in place to pursue a Member State before the Court of Justice for an infringement of Community law which has since been remedied and to obtain reparation for previous failures and omissions. They urge the Commission to come forward with new proposals (by the end of 2010) to complete the current infringement procedure in such a way as to take account of this inequitable situation.

On the “EU Pilot” project to test the new working method in several Member States, the committee points out that this project is operating on a voluntary basis, the features of which have already raised some doubts and specific questions. It asks the Commission in particular whether the lack of resources in the Member States is not a worrying sign that there may be genuine problems in monitoring the application of Community law. It also calls on the Commission to check certain specified issues, including that the Commission has not shown any indulgence towards Member States as regards compliance with the deadlines set by the Commission.

Lastly, the committee notes with disappointment that during this parliamentary term no significant progress has been made with regard to the vital role that Parliament should play in monitoring the application of Community law. It considers that the prioritisation of infringement procedures by the

Commission involves political and not merely technical decisions which are currently not subject to any form of external scrutiny, control or transparency.