


Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	1996/2107(COS)	Procedure completed
Monitoring of the application of Community law. 13th annual report 1995		
Subject 8.50.01 Implementation of EU law		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs, Citizens' Rights		19/03/1996
		UPE SCHAFFNER Anne-Marie	
	Committee for opinion	Rapporteur for opinion	Appointed
	ENER Research, Technological Development and Energy	The committee decided not to give an opinion.	
	RELA External Economic Relations		19/11/1996
		PPE SCHWAIGER Konrad K.	
ENVI Environment, Public Health and Consumer Protection			
FEMM Women's Rights		26/11/1996	
	V VAN DIJK Nel B.M.		
PETI Petitions		20/11/1996	
	PSE MIRANDA DE LAGE Ana		
Council of the European Union			

Key events			
29/05/1996	Non-legislative basic document published	COM(1996)0600	Summary
15/07/1996	Committee referral announced in Parliament		
18/12/1996	Vote in committee		Summary
18/12/1996	Committee report tabled for plenary	A4-0001/1997	
29/01/1997	Debate in Parliament		Summary
30/01/1997	Decision by Parliament	T4-0033/1997	Summary
30/01/1997	End of procedure in Parliament		

Technical information	
Procedure reference	1996/2107(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	JURI/4/07984

Documentation gateway					
Non-legislative basic document		COM(1996)0600	29/05/1996	EC	Summary
Committee report tabled for plenary, single reading		A4-0001/1997 OJ C 033 03.02.1997, p. 0023	18/12/1996	EP	
Text adopted by Parliament, single reading		T4-0033/1997 OJ C 055 24.02.1997, p. 0015-0047	30/01/1997	EP	Summary

Monitoring of the application of Community law. 13th annual report 1995

OBJECTIVE: to present the Commission's thirteenth annual report on monitoring the application of Community law (1995). CONTENT: in its annual report, the Commission emphasizes that the growth in the number of infringement proceedings in 1995 was characterized by 7 major trends: 1) a large number of infringement proceedings registered: hitherto, the Commission has never taken so many decisions under Article 169 of the EC Treaty in one year (5,068 decisions as against 4,802 in 1994). The Commission notes a decline in the number of complaints (978 as against 1,145 in 1994) and an increase in the number of cases detected by the Commission (from 277 in 1994 to 320); 2) the important role played by the European Parliament in prompting infringement proceedings: 30 cases registered in 1995 originated in a written or oral question and 4 in a petition. The European Parliament shows the greatest interest in the environment and the internal market which, between them, account for more than 60% of the cases currently running at the Commission; 3) proceedings commenced in 1995: the number of letters giving formal notice was stable, with 1,016 infringement proceedings commenced in 1995, as against 974 in 1994; 4) proceedings regarding established infringements: there was a decline in the number of reasoned opinions (192), while the number of referrals to the Court was stable (72 new infringement cases); 5) a sharp increase in the number of cases terminated (from 1,811 in 1994 to 2,045 in 1995); 6) clearing up the legacy of the past: a large number of the longest-running cases were settled; 7) greater transparency in the infringement procedures, with particular regard to the single market, which the Commission sees as a political priority. As regards directly applicable rules, the Commission emphasizes the large number of proceedings opened relating to the free movement of persons, particularly in the field of discrimination as regards access to employment and the right of residence, as well as in the field of employment and social policy (equal treatment for men and women) and fisheries and aquaculture. In the case of directives, the Commission notes that, by 31 December 1995, the Member States had, on average, notified 90.7% of the national implementing measures required to give effect to all the directives to be implemented. The rate of notification is particularly high in the field of customs matters, right of residence, machinery, motor vehicles and recognition of qualifications. This rate varies widely in the fields of telecommunications and financial services. Finally, difficulties persist in the fields of the environment, transport, energy and agriculture. As regards public procurement contracts, the number of cases currently being reviewed on the grounds that national legislation does not conform with Community law has doubled in one year (30 cases in 1995). The Commission takes the view that better application of Community law requires a policy to prevent infringements. Greater involvement of national bodies, especially national parliaments, in the Community legislative process would be conducive to this. Similarly, maintaining regular contacts with the national authorities through institutional committees would help, as would efforts to make Community law more familiar and more comprehensible. The Commission notes that it has set itself two priority objectives: putting monitoring of the application of Community law at the centre of its business and finding a judicious balance between monitoring the application of Community law and the role played by national authorities in general and the courts in particular. It takes the view that the means available to it to enforce Community law should be made more effective, notably as regards the internal market, and that there should be a stronger role for the Court of Justice, particularly as regards compliance with its judgements.?

Monitoring of the application of Community law. 13th annual report 1995

The Committee on Legal Affairs unanimously adopted the draft resolution on the Commission's thirteenth annual report on the application of Community law. The rapporteur, Mrs Schaffner (UPE, F), insisted on the need for effective application of directives by the Member States. In order to achieve this, greater transparency was needed on the part of the Commission once infringement proceedings had been instituted. In addition, the directives adopted must be clear, concise and consistent with the principle of subsidiarity. In brief, the Commission and the national authorities should continue to cooperate and exchange information during the pre-legislative phase and during the implementation of Community acts. Access to Community law needed to be improved through capillary distribution, taking account of the different demands of citizens and national jurisdictions, which was why the rapporteur attached a great deal of importance to funding for CELEX-type computer

programmes for national courts and encouraged the launch of other initiatives for training legal practitioners, such as the Robert Schuman project, the Grotius programme and the "Citizens of Europe" initiative, which would involve the publication of a guide to citizens' rights which reflected Community case law. Finally, the draft resolution addressed the most recent developments in European law and objected that, following the introduction by the Court of Justice of the concept of parallel responsibility on the part of the Community legislator and the Member States by legislative omission contrary to Community law, the individual's right of redress against the state responsible risked becoming an illusion. However, the text adopted subscribed to the Commission's recent communication announcing the application of penalty payments to force Member States to comply with the rulings of the Court under the terms of Article 171 of the Treaty.?

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Demanding greater transparency when the Commission used its discretionary power in the pre-litigation stage provided for by Article 169 of the Treaty, the rapporteur insisted that Parliament should be better informed and not just through a press release, which was what had happened when the Commission made known the criteria of application of Article 171 of the Treaty. Mrs Schaffner then recommended establishing, between the Commission and national legislators, a permanent dialogue at various levels in order to create a true legal Community. To this end she also stressed the role of citizens and national courts in the application of Community law. This was why praiseworthy initiatives such as the Grotius or Citizens of Europe programmes should be supported financially, particularly in the area of information for students of law and legal practitioners. Commissioner Kinnock replied by recalling the progress made by the Commission during the reference period of the thirteenth report on the application of Community law: firstly, with regard to transparency, by establishing the rule that all Commission decisions adopted under Article 169 should be published in a press release (from July 1996); secondly, with regard to following up cases of application of Article 171, by publishing a communication (August 1996) allowing the Commission to use an effective method of calculating the penalties to be imposed on Member States should they repeatedly fail to enforce a Court judgment. Finally, while recalling that the diffusion of Community law was the responsibility of the Member States, Mr Kinnock congratulated the Commission for not having spared any efforts throughout 1996 in improving information, particularly through its programmes intended for the legal professions.

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In adopting the report by Mrs Anne-Marie SCHAFFNER (UPE, F) on monitoring the application of Community law, Parliament expressed its concern that some Member States deliberately do not transpose directives. It noted a particularly unsatisfactory transposition rate in the environment, transport, energy and agriculture sectors as regards directives adopted in the framework of the internal market. It regretted the fact that 93 judgments had not been implemented by the Member States and urged the Commission to follow them up. Parliament also stressed the need for greater transparency in Community law. It reiterated, therefore, the priority it attached to the fact that directives adopted should be consistent with the subsidiarity principle and should also be clear and concise. There should also be greater transparency in infringement proceedings. It called for the Commission to draw up, with regard to the Union's external economic and trade relations, a specific annual report assessing the degree of application of Community law deriving from external commitments. It called on the Commission to ensure that complaints and petitions were dealt with more rapidly by exercising more stringent control over the deadlines for replies from Member States. Similarly, Parliament welcomed the 'Citizens of Europe' initiative which would involve the publication of a practical guide for citizens which reflected the case law of the Court of Justice and the Court of First Instance. It stressed the importance of including in it a specific section dealing with the means of redress for citizens with regard to their rights. Lastly, it encouraged the Commission to continue the programmes which seek to improve national civil servants' understanding of Community law (Karolus and Mathaeus programmes) and that of legal practitioners (Grotius programme and Robert Schuman project). ?