





# Procedure file

| Basic information  |                                |                     |
|--|--------------------------------|---------------------|
| COS - Procedure on a strategy paper (historic)                       | <a href="#">2000/2197(COS)</a> | Procedure completed |
| Monitoring the application of Community law. 17th annual report 1999 |                                |                     |
| Subject<br>8.50.01 Implementation of EU law                          |                                |                     |

| Key players                   |   |  |   |
|-------------------------------|---|--|---|
| European Parliament           | Committee responsible   |  | Rapporteur                                  |
|                               |  Legal Affairs and Internal Market |  | Appointed<br>13/09/2000                     |
|                               |   |  | PSE <a href="#">KOUKIADIS Ioannis</a>       |
|                               | Committee for opinion   |  | Rapporteur for opinion                      |
|                               |  Employment and Social Affairs     |  | Appointed<br>05/10/2000                     |
|                               |   |  | PPE-DE <a href="#">PÉREZ ÁLVAREZ Manuel</a> |
| Council of the European Union |  Petitions                       |  | 14/09/2000                                  |
|                               |   |  | PSE <a href="#">CANDAL Carlos</a>           |

| Key events |  |   |         |
|------------|--|---|---------|
| 23/06/2000 | Non-legislative basic document published   | COM(2000)0092   | Summary |
| 04/09/2000 | Committee referral announced in Parliament |   |         |
| 26/06/2001 | Vote in committee                          |   | Summary |
| 26/06/2001 | Committee report tabled for plenary        | <a href="#">A5-0250/2001</a>  |         |
| 03/09/2001 | Debate in Parliament                       |  |         |
| 04/09/2001 | Decision by Parliament                     | <a href="#">T5-0419/2001</a>  | Summary |
| 04/09/2001 | End of procedure in Parliament             |   |         |
| 21/03/2002 | Final act published in Official Journal    |   |         |

| Technical information |  |
|-----------------------|--|
| Procedure reference   | 2000/2197(COS)                                 |
| Procedure type        | COS - Procedure on a strategy paper (historic) |
|                       |  |

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|----------------------------|---------------------------|
| Procedure subtype          | Commission strategy paper |
| Legal basis                | Rules of Procedure EP 142 |
| Stage reached in procedure | Procedure completed       |
| Committee dossier          | JURI/5/12882              |

#### Documentation gateway

|   |  |   |            |    |         |
|---|--|---|------------|----|---------|
| Non-legislative basic document                      |  | <a href="#">COM(2000)0092<br/>OJ C 030 30.01.2001, p. 0001</a>      | 23/06/2000 | EC | Summary |
| Committee report tabled for plenary, single reading |  | <a href="#">A5-0250/2001</a>  | 26/06/2001 | EP |         |
| Text adopted by Parliament, single reading          |  | <a href="#">T5-0419/2001</a><br>OJ C 072 21.03.2002, p. 0034-0072 E | 04/09/2001 | EP | Summary |

## Monitoring the application of Community law. 17th annual report 1999

**PURPOSE :** Seventeenth Annual Report on Monitoring the Application of Community Law (1999) **CONTENT :** This is the first volume of this report. Article 211 assigns the task of monitoring to the Commission. The main tools used to accomplish this task are the infringement procedure provided by Article 226 of the Treaty and the second referral to the Court of Justice provided for by Article 228. These two procedures form the subject of this report. The Commission's activities are highlighted in the following sections: - a statistical overview of the various stages involved in monitoring the application of Community law, comparing the 1999 figures with those of the previous year. - the transposal of Community directives by the Member States, - graphs showing by Member State, all the infringement proceedings commenced or handled by the Commission during the year; - an overview of the application of the penalty mechanism provided for in Article 228. Statistics: the number of complaints continued to rise, increasing by 16%. The overall number of letters of formal notice was similar to the figure for 1998. The number of cases referred to the Court of Justice rose to 178 from 123 in 1998. This reflects the faster handling of infringement proceedings. The speed of handling cases also continued to rise. The statistics demonstrate that infringement proceedings are being handled more efficiently than ever. Transposal of directives: Italy has considerably improved its position in the transposal rate rankings, whereas the rate achieved by Greece continues to give cause for concern. All other Member States achieved a slightly lower transposal rate in 1999. - Graphs of infringement proceedings: France heads all infringement tables. It is also the state against which the largest number of complaints were lodged in 1999 (17% of the total). Application by the Commission of Article 228: in 1999 the Commission decided to refer four cases for a second time to the Court of Justice with requests for imposition of a penalty payment. These four cases were against Belgium, Greece, France and Luxembourg. All concern social affairs legislation. Figures show that the penalty system introduced by the Maastricht Treaty has a dissuasive effect: the Court has not so far had to impose any penalties for non-compliance with its judgement, since Member States normally come into line with Community law as soon as the case is referred to Court for a second time or even before the Commission has gone through with its decision to involve the Court. The report goes on to detail the situation sector-by-sector, covering the internal market, competition, enterprise policy, education, social affairs, regional policy, budget, energy and transport, telecommunications, information, environment, agriculture, fisheries, and consumer protection.?

## Monitoring the application of Community law. 17th annual report 1999

The committee adopted the report by Mr Ioannis KOUKIADIS (PES, GR) on the Commission's 17th annual report on monitoring the application of Community law (1999). The committee felt that effective action was needed immediately to address the all too frequent failure to implement legislation properly. It wanted the Commission to do everything within its power, such as imposing stricter deadlines on Member States, to speed up the procedure for dealing with complaints or petitions. Furthermore, the simplification of Community law - for example, under the SLIM initiative - should be viewed as a priority, and the Commission was urged to present a complete programme of codification with binding deadlines. As far as the implementation of social legislation was concerned, the committee felt that Member States should intensify their efforts and that the Commission should make better and more effective use of the remedies available to it, such as issuing reasoned opinions or threatening to impose fines. The committee also called on the Member States and the Commission to bring forward proposals imposing automatic penalties upon Member States which did not transpose Community legislation in the proper manner, in order to prevent Member States from deliberately delaying the transposition of Community law so that they could maintain their national legislation in force as long as possible. The committee wanted the national parliaments to be involved more actively in monitoring the application of Community legislation. The Commission should invite the national parliaments to discuss its annual report on the application of Community law and to forward their conclusions to the Commission, Parliament and the Council. Finally, the report pointed out that Parliament attached particular importance to the rigorous transposition of the electronic commerce directive and urged the Commission and the Member States to resist any attempts to roll back that directive or dilute its provisions, particularly as regards the country of origin principle and the liability of Internet intermediaries. ?

## Monitoring the application of Community law. 17th annual report 1999

The European Parliament adopted by 492, to 32 and 26 abstentions a resolution by Mr Ioannis KOUKIADIS (PES, Gr). The resolution refers to the Commission's seventeenth annual report and points out that although considerable progress has been made on the formal transposition of Community legislation into national law, its effective implementation seems to be more problematic. (Please refer to the previous text). In addition, it is also considered essential to achieve a more active involvement of the national parliaments and devolved parliaments responsible

for transposing Directives in the monitoring procedure. The Parliament strongly opposes the Commission's hesitation about the future of EUROJUS, the network of specialised advisers at the Commission's delegations in the Member States. It invites the Commission to reinforce this network. ?