





# Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	<a href="#">2002/2148(COS)</a>	Procedure completed
Application of Community law: relations with the complainant in respect of infringements		
Subject 8.50.01 Implementation of EU law		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Petitions		20/06/2002
		PPE-DE <a href="#">FOURTOU Janelly</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
Council of the European Union European Commission	 Citizens' Freedoms and Rights, Justice and Home Affairs	The committee decided not to give an opinion.	
	 Legal Affairs and Internal Market	The committee decided not to give an opinion.	
	Commission DG	Commissioner	
	<a href="#">Secretariat-General</a>		

Key events			
20/03/2002	Non-legislative basic document published	<a href="#">COM(2002)0141</a>	Summary
01/07/2002	Committee referral announced in Parliament		
30/04/2003	Vote in committee		Summary
30/04/2003	Committee report tabled for plenary	<a href="#">A5-0157/2003</a>	
05/06/2003	Debate in Parliament		
05/06/2003	Decision by Parliament	<a href="#">T5-0274/2003</a>	Summary
05/06/2003	End of procedure in Parliament		
18/03/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2002/2148(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	PETI/5/16364

#### Documentation gateway

Non-legislative basic document		<a href="#">COM(2002)0141</a>	20/03/2002	EC	Summary
Committee report tabled for plenary, single reading		<a href="#">A5-0157/2003</a>	30/04/2003	EP	
Text adopted by Parliament, single reading		<a href="#">T5-0274/2003</a> OJ C 068 18.03.2004, p. 0341-0623 E	05/06/2003	EP	Summary

## Application of Community law: relations with the complainant in respect of infringements

PURPOSE : Communication on relations with the complainant in respect of infringements of community law. CONTENT : The Commission sets out in the Annex to this communication the administrative measures for the benefit of the complainant with which it undertakes to comply when handling the complaint and assessing the infringement in question. These measures do not, however, alter the bilateral nature of the infringement procedure laid down by Article 226 of the EC Treaty and Article 141 of the EAEC Treaty. In this respect, the commission must point out that, in accordance with the case law of the European court of Justice, it enjoys a discretionary power in deciding whether or not to bring infringement proceedings and to refer a case to the Court. In the area of infringement proceedings, the Commission applies the rules on access to documents in Regulation 1049/2001/EC, as implemented by the provisions set out in the Annex to Commission Decision 937/2001/EC. The measures describe the following: -definitions and scope. -general principles. It should be noted that complainants do not have to demonstrate a formal interest in bringing proceedings, nor do they have to prove that they are directly concerned by the infringement complained of. The Commission may decide whether further action should be taken on a complaint. -recording of complaints. Correspondence will not be investigated under specified circumstances, for instance, if it is anonymous or denounces a private person or body, or fails to refer to a Member State. -acknowledgement of receipt. -methods of submitting a complaint. The Commission will provide a standard form, but complainants are not obliged to use it. -protection of the complainant and personal data. -communication with complainant. -time limit for investigating complaints. In general this is no more than one year from the date of registration. -outcome of the investigation of complaints -closure of the case -simplified procedure for closing cases -publicising infringement decisions -access to documents on infringements cases -complaint to the European Ombudsman.?

## Application of Community law: relations with the complainant in respect of infringements

The committee adopted the report drawn up by Janelly FOURTOU (EPP-ED, F) in response to the Commission communication drawn up following the action of the Ombudsman in closing complaint "PS ENFIRTZOGLOU · Macedonian Metro Joint Venture (995/98/OV)". While welcoming the proposal, the committee nevertheless believed that an Interinstitutional Agreement was needed to coordinate complaints and petitions between the various Community bodies and institutions. ?

## Application of Community law: relations with the complainant in respect of infringements

The European Parliament adopted the resolution drafted by Janelly FOURTOU (EPP-ED, France) on relations with the complainant in infringements of Community law. Parliament welcomed the Commission communication and commended the provision of information to citizens about the stage reached in the processing of their complaints. The on-year delay is a reasonable one, within which the Commission must reach a decision and notify the complainants. Parliament did note that the procedures for considering the various complaints lodged by European citizens are the responsibility of different services, between which there is no coordination. The separate nature of these procedures causes particular difficulties in the case of complainants lodging a complaint with the Commission, and a petition with the European Parliament, concerning the same grievances. Also, there is a need to clarify the procedure to be followed in cases of manifest disagreement between the institutions regarding the substance of a complaint. This includes the situation where Parliament has endorsed a recommendation by the Ombudsman, which has not been recognised as valid by another institution. An interinstitutional agreement is required which would make it possible to achieve this essential coordination between all the Community bodies and institutions in relation to complaints and petitions, in the interests of Europe's citizens and with a view to ensuring efficient cooperation between Community institutions.?