

Procedure file

Basic information	
INI - Own-initiative procedure	2005/2150(INI)
Monitoring the application of Community law. 21st annual report 2003	Procedure completed
Subject 8.50.01 Implementation of EU law	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs		20/06/2005
		Verts/ALE FRASSONI Monica	
	Committee for opinion	Rapporteur for opinion	Appointed
	PETI Petitions		13/09/2005
		ALDE WALLIS Diana	
European Commission	Commission DG Legal Service	Commissioner	

Key events			
30/12/2004	Non-legislative basic document published	COM(2004)0839	Summary
08/09/2005	Committee referral announced in Parliament		
21/03/2006	Vote in committee		Summary
24/03/2006	Committee report tabled for plenary	A6-0089/2006	
04/04/2006	Debate in Parliament		
16/05/2006	Results of vote in Parliament		
16/05/2006	Decision by Parliament	T6-0202/2006	Summary
16/05/2006	End of procedure in Parliament		

Technical information	
Procedure reference	2005/2150(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Implementation

Legal basis	Rules of Procedure EP 54; Rules of Procedure EP 142-p1
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/29439

Documentation gateway

Non-legislative basic document		COM(2004)0839	30/12/2004	EC	Summary
Committee draft report		PE367.694	16/02/2006	EP	
Committee opinion	PETI	PE367.796	06/03/2006	EP	
Amendments tabled in committee		PE370.291	07/03/2006	EP	
Committee report tabled for plenary, single reading		A6-0089/2006	24/03/2006	EP	
Text adopted by Parliament, single reading		T6-0202/2006	16/05/2006	EP	Summary
Commission response to text adopted in plenary		SP(2006)2902	22/06/2006	EC	
Commission response to text adopted in plenary		SP(2006)3065-3	01/08/2006	EC	

Monitoring the application of Community law. 21st annual report 2003

PURPOSE: Presenting the 21st Annual Report from the Commission on the monitoring and application of Community law 2003.

CONTENT: This Report has been prepared by the Commission in accordance with a request to do so by the European Parliament under Resolution 9, of February 1983. The Treaties of the European Union award the Commission the exclusive responsibility to act as guardian of the Treaties and as such it plays a pivotal role in monitoring and ensuring the uniform application of Community law by the Member States. Whilst the Commission is responsible for ensuring compliance with EU law and monitoring its implementation, the 2001 White Paper on European Governance emphasises that it is up to the national administrations and courts to apply Community legislation. The Report points out therefore, that co-operation between the administrative bodies in the Member States and the Commission is crucial if the Commission is to monitor the application and implementation of Community law. To summarise, the 2003 Annual Report makes the following observations:

- By the end of December 2003, there were 3927 infringement cases running of which: 1855 related to cases already in motion and for which proceedings had begun, 999 cases for which a reasoned opinion had been sent, 411 cases which had been sent to the Court of Justice and 69 cases for which Article 228 proceedings had already begun
- The total number of infringement cases had increased by 15% from 2356 in 2002 to 2709 in 2003.
- The statistics for 2003 reflect a decrease in the number of complaints registered by the Commission from 1431 in 2002 to 1290 in 2003, indicating a decrease of 9.85%. The 2003 figures correspond to the levels registered between 1999 and 2001, thus the increase of complaints in 2002 may be seen as a deviation.
- Complaints still form the bulk of infringement procedures initiated by the Commission against the Member States. The principal sectors concerned are environment (493 complaints), internal market (314 complaints) and taxation and customs (119 complaints). As of end December, 1158 cases were active.
- The number of proceedings for failure to notify has almost doubled compared to the figures of 2001 and 2002. The statistics for 2003 show an increase of 92.1% from the previous year (from 607 cases to 1166).
- On 31 December 2003, 524 out of the 1,166 cases were still on-going. The same figure for 2002 was 71 cases.
- 1552 letters of formal notice were issued in 2003, a vast increase of 56%, compared to 995 letters issued in 2002. However, the number of reasoned opinions showed a less dramatic increase from 487 in 2002 to 533 in 2003, which represents an increase of 9.4%. Whereas 48.94% of formal notices in 2002 led to reasoned opinions, this figure was only 34.34% under 2003 indicating an increase in the number of cases being settled at the formal notice stage.
- The number of cases referred to the Court of Justice rose from 180 in 2002 to 215 in 2003, an increase of 19.4%. This increase must be seen against the increased volume of reasoned opinions issued under 2003.
- 48.36% of the cases opened in 2003 were still pending on 31 December 2003.
- The number of terminations of decisions was 2329.

The Report notes that the Commission has called for improved effectiveness in monitoring the transposition of national measures through improved Member State/Commission consultation and through the establishment of a 'concordance table'. In addition, the Secretariat General has begun to develop databases which allow for the electronic notification of national execution measures to the Commission, which is due to become operational by May 2004.

The Report also goes on to state that the Commission has sought to reduce the time elapsing between the adoption of its infringement decisions and their notification to the Member States. In this context, an internal verification is being planned on the outlook for the continuing control of Community law in an enlarged EU. Other areas examined in the Report include the transposition of Directives, enhanced transparency (mainly through the use of the internet), the development of a web-based Electronic Notification database and making adequate preparation for the EU's enlargement from fifteen to twenty-five new Member States.

Monitoring the application of Community law. 21st annual report 2003

The committee adopted the own-initiative report drawn up by Monica FRASSONI (Greens/EFA, IT) in response to the Commission's 21st and 22nd Annual Reports on monitoring the application of Community law (2003 and 2004). Pointing out that proper monitoring did not consist merely of assessing transposition in quantitative terms but also involved evaluating the quality of transposition and of the practices adopted in actually applying Community law, MEPs called on all European institutions to give "serious, visible consideration and more convinced priority" to the question of monitoring implementation. Parliament's committees should also pay attention to this issue, and the rapporteur responsible should play a more active role in monitoring the implementation of Community legislation in the Member States.

The report was critical of the current arrangements under the infringement procedure (whereby the Commission can take action against Member States for failure to fulfil their obligations under the Treaty), which was a lengthy and cumbersome process which rarely ended in Member States being fined. It noted the "insufficient level of cooperation" of the national courts in most Member States, which were still reluctant to apply the principle of the primacy of Community law, and called on the Commission "seriously to reassess its indulgence of Member States" when it came to submitting requested information, adopting and communicating national implementing measures and correctly applying Community legislation at national, regional and local levels. The Commission was urged to "take a tough stance" in such cases and to move through the various stages of the infringement procedure according to fixed, non-negotiable deadlines, in order to impose fines as soon as possible.

MEPs also pointed out that many cases of incorrect implementation were the result of bad quality of legislation and reflected Member States' deliberate efforts to undermine Community legislation for political, administrative and economic reasons. They called for "tighter discipline", particularly after enlargement, in order to avoid excessive delays and persistent differences in the quality of national transposition. One way of achieving this could be the systematic insertion into each newly-adopted directive of a specific clause obliging Member States to draft a concordance table when transposing EU directives. The Commission was also asked to present a list of those directives which have the worst record in terms of their implementation and to explain what it felt were the underlying reasons for this.

The report called on the Commission to conduct a specific evaluation of the application of the annual priority criteria concerning future legislative proposals and pointed out that legal experts were needed in the Commission departments responsible for transposition to analyse whether legislation had been transposed "in all its complexity". It called for Parliament to be kept informed of the results of such evaluations and to be consulted on any possible change in the priority criteria. The committee also wanted to see increased cooperation between national parliaments and the European Parliament in order to achieve more effective scrutiny of European matters at national level, and it urged the Commission to send its annual reports on monitoring the application of Community law to the national parliaments. Lastly, MEPs stressed the importance of citizens' complaints relating to infringements of Community law and said that these were not just symbolic in building a 'people's Europe' but were a "cost-effective and efficient tool" for monitoring the application of Community law.

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The European Parliament adopted a resolution based on the own-initiative report drafted by Monica FRASSONI (Greens/EFA, IT) on the Commission's 21st and 22nd Annual Reports on monitoring the application of Community law (2003 and 2004). (Please see the summary of 21/03/2006.)