

Monitoring the application of Community law.

23rd annual report 2005

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The Committee on Legal Affairs adopted the own-initiative report by Monica **FRASSONI** (Greens, EFA, IT) in response to the Commission's 23rd Annual report on monitoring the application of Community law (2005).

The 2005 Annual report: MEPs note that the accession of 10 new Member States seems not to have had any impact on the number of registered infringements. They call on the Commission to give Parliament some explanation and reassurance that this is not due to a lack of registration of complaints or/and to a lack of internal resources dealing with infringements within the Commission. MEPs commit themselves to support the Commission via increased budget appropriations for an increase of resources, as requested by most of the relevant Directorates-General. They consider that the sharing of best practices between the Member States should be encouraged and they call on the Commission to consider means of involving Parliament in such processes. They encourage the practice of sending fact-finding missions to various Member States to investigate issues raised by petitioners.

The committee believes that the Commission should be more proactive in monitoring national events which may disclose a breach of Community law and that it should make more intensive use of its Representation Offices to prevent or remedy infringements. The Member States are called upon to go beyond a purely formal transposition of Community legislation and to avoid, as far as possible, the fragmentary transposition of directives with a view to making legislation simpler and more transparent.

The Commission's 2007 Communication: MEPs welcome the fact that, in its recently adopted Communication, the Commission attaches value to, and takes duly into account, the issue of the application of Community law. The report notes that the main obstacle to the effectiveness of the infringement procedure (Articles 226 and 228 of the EC Treaty) remain its length and the limited use of Article 228. It calls on the Commission to be more firm in applying Article 228 of the Treaty in order to ensure that judgments of the Court of Justice are properly complied with. The report insists that the time target proposed by the Commission in respect of the non-communication of transposition measures (no more than 12 months from the sending of the letter of formal notice to the resolution of the case or the Court being seised of the matter) and in respect of proceedings to ensure compliance with an earlier judgment of the Court (between 12 and 24 months) must in no case be exceeded.

The Commission is invited to: i) create an on-line one-stop-shop in order to assist citizens; ii) extensively apply the principle that all correspondence which is likely to denounce a real violation of Community law should be registered as a complaint, unless it falls within the exceptional circumstances; iii) keep complainants fully informed of the progress of their complaints at the expiry of each pre-defined deadline (letter of formal notice, reasoned opinion, referral to the Court), to provide reasons for their decisions.

The role of the European Parliament and national parliaments in the application of EU Law: MEPs consider that Parliament's standing committees should take a much more active role in monitoring the application of Community law in their fields of competence and, to that end, should receive support and regular information from the Commission. They believe that that Parliament's committees (including the Committee on Petitions) should be given sufficient administrative support to carry out their mission effectively.

The report calls for increased cooperation between national parliaments and the European Parliament and their respective parliamentarians, in order to promote and increase effective scrutiny of European matters at national level. It calls on Parliament as co-legislator to take all steps necessary to ensure that provisions regarding those tables are not removed from the text of Commission proposals during the legislative process.