

25th annual report from the Commission on monitoring the application of community law (2007)

2008/2337(INI) - 24/04/2009 - Text adopted by Parliament, single reading

The European Parliament adopted by 297 votes to 13, with 7 abstentions, a resolution on the 25th annual report from the Commission on monitoring the application of Community law (2007).

MEPs regret that, unlike in the past, the Commission has not responded in any way to the issues raised by Parliament in its previous resolutions, in particular the [resolution](#) of 21 February 2008 on the Commission's 23rd Annual report on monitoring the application of Community law (2005). They note the lack of significant improvement with regard to the three fundamental issues of **transparency, resources and the length of procedures**.

The Parliament reminds the Commission of requests made in previous years, namely:

- to investigate urgently the possibility of a system clearly signposting the various complaints mechanisms available to citizens, which could take the form of a common EU portal or the creation of an on-line one-stop-shop in order to assist citizens;
- to adopt a communication setting out its interpretation of the principle of State liability for breach of Community law, including infringements attributable to the judicial branch, thus enabling citizens to contribute more effectively to the application of Community law.

The resolution calls on the Commission to:

- abide by its commitment to publish all its infringement decisions, given that the publication of those decisions, starting with the registration of a complaint and followed by all subsequent acts, is a vital tool with which to curb political interference in the management of infringements;
- provide Parliament, as repeatedly requested, with clear, exhaustive data on the resources earmarked for the processing of infringement cases in the various Directorates-General;
- consider introducing a simplified, less bureaucratic procedure for the issuing of formal notice against a Member State which has failed to fulfil its obligations, in order to take swift advantage of the effectiveness of this measure;
- ensure that judgments delivered by the Court of Justice are properly enforced.

The Parliament notes that, of the new cases of infringement in 2007, 1 196 concerned a **failure to notify national measures relating to the transposition of Community directives**. It considers it unacceptable that the Commission should grant itself **12 months** to deal with simple cases of non-communication of transposition measures by a Member State, and calls on the Commission to take automatic and immediate action in respect of cases of this kind which do not require any analysis or assessment.

Furthermore, MEPs consider that there are still no clear procedures in place to pursue a Member State before the Court of Justice for an infringement of Community law which has since been remedied and to obtain reparation for previous failures and omissions. They urge the Commission to come forward with new proposals (by the end of 2010) to complete the current infringement procedure in such a way as to take account of this inequitable situation.

On the “EU Pilot” project to test the **new working method** in several Member States, the Parliament points out that this project is operating on a voluntary basis, the features of which have already raised some doubts and specific questions. It asks the Commission in particular whether the lack of resources in the Member States is not a worrying sign that there may be genuine problems in monitoring the application of Community law. The Commission is called upon to check the following issues and report to Parliament on them:

- that complainants have received from the Commission clear, exhaustive explanations concerning the processing of their complaint;
- that the new method has not further delayed the launch of an infringement process the duration of which is already extremely long and indefinite;
- that the Commission has not shown any indulgence towards Member States as regards compliance with the deadlines set by the Commission (10 weeks).

MEPs note with disappointment that during this parliamentary term no significant progress has been made with regard to the **vital role that Parliament should play** in monitoring the application of Community law. They consider that the prioritisation of infringement procedures by the Commission involves political and not merely technical decisions which are currently not subject to any form of external scrutiny, control or transparency.

Lastly, the Commission is called upon to ensure that greater priority is given to the application of Community law relating to the **environment**, bearing in mind the worrying trends revealed in its report and the many petitions received in this area.